



Appeal Decision

Site visit made on 31 October 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2023

Appeal Ref: APP/H1033/W/23/3320701

Land at The Stables, The Heath, Glossop, Derbyshire SK13 7QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Craggs, Unique Holiday Stays Ltd, against the decision of High Peak Borough Council.
 - The application Ref HPK/2021/0222, dated 15 April 2021, was refused by notice dated 13 December 2022.
 - The development proposed is 13 no. luxury tourist lodges with associated reception building, access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the Council's decision notice more accurately reflects the location of the appeal site than that on the application form and I note that it has been used on the appeal form. I have therefore used it in the banner heading above.
3. I have taken the description of development from the application form, omitting wording that is not an act of development.
4. During the course of the application the scheme was amended from 15 lodges to 13 and was subsequently publicised and determined by the Council on that basis. This amendment is also reflected on the appeal form and in the Council's decision. Consequently, I am satisfied that interested parties had the opportunity to make comment and that no party will be prejudiced by my use of it in the banner heading above and it is the basis upon which I determine this appeal.
5. The residents of The Mews and Heath Barn, The Heath, requested that I view the appeal site from their property, and I was able to do so on my site visit.

Main Issue

6. The main issue is the effect of the proposal on the landscape character and appearance of the area.

Reasons

Landscape effects

7. The appeal site (the site) is located on the periphery of Glossop and comprises two fields of rough pasture bisected by a private driveway to Heath Barn, which

lies outside the site. Access to the site is off The Heath, a single-track road which is also a Public Right of Way (PROW). The site is bound by fences, hedgerows and trees. There are also trees within the site and evidence indicates that those on the eastern parcel of land are protected by a Tree Preservation Order. The site is surrounded by fields to the south-east, a garden centre and stables to the north-east, and residential development to the west, north and south.

8. The site is not part of any formal landscape designations. However, at a local level it is within both 'Settled Valley Pastures' and 'Urban' landscape types as defined in the Landscape Character Supplementary Planning Document SPD5 2006 (LCSPD). Because the site comprises the valley slopes of pastoral fields along a winding lane, intersected by hedgerows and trees, it exhibits features characteristic of a semi-rural landscape type and contributes positively to the wider appearance of the area.
9. However, although some of the wider area around the site contains many of the features of a settled valley pasture landscape typology, its location close to the edge of Glossop and near to houses and businesses means that this area is also influenced by the urban landscape of built development and commercial businesses nearby.
10. Nevertheless, albeit at the transition between the urban area of Glossop and the rural Peak District beyond, gaps in the site's boundaries along The Heath and a PROW close to the southern boundary allow views through the site from the public realm.
11. Policy EQ2 of the High Peak Local Plan (2016) (HPLP) seeks to, amongst other things, protect, enhance and restore the landscape character of the area for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the area. The policy lists several ways that this can be achieved which include ensuring that development has regard to maintaining biodiversity interests, is sympathetic to the landscape character area and resisting development that would harm the setting of a settlement. Policy E7 of the HPLP refers specifically to development proposals involving chalet accommodation and requires that development does not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape, is well screened by existing landscaping and that any permanent structures would not be visible even during winter months.
12. The appellant's Landscape and Visual Impact Appraisal (LVIA), prepared under relevant best practice guidelines, focusses upon the landscape and visual effect from key receptors in the surrounding area and concludes that views of the site are contained and limited to locations within proximity, with wider views generally restricted by vegetation and existing development.
13. The proposal would include the creation of two new accesses off The Heath, either side of an existing driveway to Heath Barn. One would provide access to 8 accommodation lodges on the west parcel of land. The other would provide access to 4 accommodation lodges, a reception lodge linked to a kitchen /cycle store lodge and a spa lodge on the eastern parcel of land.
14. The introduction of several large timber clad lodges with their associated parking and patio areas and privacy screens in this location would be an

incursion of built form in stark contrast to the current open area of undeveloped grassland. It would urbanise this part of the countryside.

15. Nevertheless, given the topography of the site and the modest size of the proposal, the proposed development would have limited visibility in wider landscape views. Whilst the lodges would be raised slightly above ground level on a dry-stone wall plinth, their relatively low profile would not disrupt the skyline. Given the limited number of lodges proposed on the eastern part of the site would be partially screened by existing and proposed trees and hedgerows and that residential development would surround the site on the other three sides, the proposal would be seen in its wider context with the surrounding built development and intervening vegetation.
16. In this respect, the visual envelope of the proposed development would be contained, and the loss of the rough pasture would be localised to the site and its immediate context. Therefore, given the surrounding urbanising features and the proposed tree and hedge planting which could contribute to the mosaic of woodland in the surrounding area, the wider landscape harm would be limited.

Visual effects

17. In relation to visual effects, the site is clearly visible from The Heath PROW to the north and the PROW to the south from Bowden Road to Woodhead Road. Moreover, as the appeal site is close to surrounding residential properties and given the topography and lack of any existing substantive boundary treatment along the western and southern boundaries of the site, the sensitivity of occupants of these properties as visual receptors would be high and the magnitude of change arising from the proposal for such receptors and those using the PROWs would be substantial.
18. The proposed development would be clearly visible for occupiers of first floor rooms of several properties on Hawthorn Drive. The two proposed access points would also provide views of the development when viewed from The Heath PROW. However, the proposed landscaping along the northern edge of the site and the descendant topography would limit the visibility of the lodges. When viewed from this PROW, the proposal would be seen in the context of urban features, including properties along Hawthorn Drive and the rear garden close boarded fence along the edge of The Heath. Nevertheless, due to the presence of three accesses close together on The Heath, some views into the site would still be obtainable even in the long term, despite the provision of additional landscaping. Therefore, the magnitude of visual harm when viewed from The Heath and properties on Hawthorn Drive would be slight.
19. As a result of the topography of the site and limited vegetation along parts of the PROW to the south, users of this path would have a clear line of sight of the proposed development. The absence of tree planting along the eastern boundary of plot 4 and the southern boundary of plot 3, would exacerbate the prominence of the proposal, which would be highly noticeable when viewed from the south-east, even when viewed against the backdrop of existing built development. Therefore, given the elevated position of the site when viewed from the PROW to the south, combined with the proximity of lodges on plots 3 and 4 to the eastern boundary of the site, and the limited space for landscape screening here, the magnitude of visual harm from this PROW would be moderate even in the long term.

20. It would appear that the lodges are staggered to follow the contours of the land in the southern part of the site. The plans indicate that there would be curved retaining stone walls to plots 4, 5 and 6 which would help reduce the visual effect of the proposal when viewed from houses and gardens along Bowden Road to the south. Given the proposed tree planting along the southern edge of the site and the distance of proposed lodges on plots 4,5 and 6 from this boundary, they would be likely to be largely screened in the long-term. However, no topographical survey, levels details or sections are before me, thus I cannot be certain that this would be the case.
21. In terms of the visual effects for residential occupiers to the west, the dense arrangement of lodges, access driveway and parking bays on the west parcel of land would be highly visible to those residents with little relief between for landscaping.
22. The minimal gaps between lodges and their associated raised balustrade decking, privacy screens and parking areas would introduce a substantial amount of built form to the site. Even though a native hedgerow would be planted along the west boundary of the site, the very limited distance between plots 12,13,14 and 15 to the hedge would not ensure the development would be well screened in views towards the site from the west. While this part of the appeal site lies close to the built-up area of Glossop, it is adjacent to a loosely arranged group of traditional buildings. In this context, the number of lodges with little space for vegetative screening would result in a prominent development that would not respect the character and appearance of its immediate surroundings. The magnitude of visual harm when viewed from properties to the west of the site would be significant.
23. In comparison, the more spacious arrangement of lodges on the east parcel of land, interspersed with existing mature trees, proposed landscaping and ponds would diminish the overall visual effect of the built form when viewed from the east.
24. The use of cedar cladding and a green roof on most of the lodges, would help mitigate the visual effect of the proposal against the semi-rural surroundings. Indeed, the Council raised no concerns with the design of and materials used for the lodges.
25. The proposed planting scheme would include a native species boundary hedge and clusters of new planting including trees would result in more filtered views of the appeal site and help soften the appearance of the lodges and associated roads and parking areas. I have also had regard to the appellant's suggestion that additional landscaping could be required by a condition on any grant of permission. However, due to the limited gap between some lodges and the boundary of the appeal site as set out above, it would be unlikely that sufficient landscaping could be incorporated to mitigate the visual harm in these areas.
26. Moreover, due to leaf fall from deciduous trees, even once matured after some years there would be seasonal variation in the extent of screening. As such, the proposal would be considerably more visible in winter months. Therefore, the proposal would remain noticeable and disrupting to those high sensitivity receptors to the west and those using the PROW to the south. No robust evidence is before me to indicate otherwise. Consequently, in the context of this site, the magnitude of the visual harm would be significant.

27. I therefore find that the development would result in limited adverse harm to the value of the wider landscape but would result in a significant magnitude of visual harm when viewed within its immediate surroundings. Thus overall, I find there would be an adverse but largely contained harm to the landscape character and appearance of the area. Nevertheless, I attribute significant weight to this harm.
28. Given the above, the proposal would conflict with Policies EQ2 and EQ6 of the HPLP in so far as the proposal would not protect, enhance or restore the landscape character and which together, amongst other things, seek that development respects the character and context of the landscape and does not cause unacceptable effects by reasons of visual intrusion. The proposal would also fail to accord with the aims of Policy E7 of the HPLP as set out previously in my decision and would conflict with the provisions of the Framework in respect of protection of the character of the countryside and landscape setting.

Other Matters

29. Residents have raised several other concerns including, but not limited to, highway safety, parking, noise, privacy, tree and biodiversity interests, safety and security, air and light pollution, littering, flood risk and drainage. However, the Council did not refuse the application for these reasons and based upon the information available to me I have no reason to disagree. I have noted the appellant's comments highlighting the absence of identified harm in relation to the above matters. However, the absence of harm is a neutral factor in the overall planning balance.
30. I appreciate that the appellant sought pre-application advice and that the application was recommended for approval by officers. Nevertheless, Members ultimately came to a different conclusion. I have dealt with the appeal on its planning merits based on the evidence before me and found it would result in unacceptable harm.

Planning Balance

31. Tourism is an important part of the local economy and is recognised as such within Policies S5 and E6 of the HPLP which support the growth of a sustainable tourism economy and local employment opportunities, where the scale is appropriate to the location. Policy EQ3 of the HPLP also sets out that new development in the countryside should be strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. However, the policy goes on to state that this aim should also facilitate sustainable rural community needs, tourism and economic development by, amongst other things, ensuring that development is of a high-quality design and by supporting proposals for tourist and visitor facilities in sustainable locations where identified needs are not met by existing facilities as well as supporting rural employment where a rural location can be justified. Paragraph 84 of the Framework also supports rural tourism where the countryside character is respected.
32. The appeal site is located within an area identified on the HPLP as Glossopdale. Noting the appellants Statement of Tourism Need which includes excerpts from the HPLP and other tourism related publications, it appears that there is demand for quality tourism accommodation in the area, and I have no doubt the proposal would allow year-round good quality accommodation.

33. I note support for the proposal from the Council's Regeneration Service who advise that the proposal would encourage overnight stays in the area and that even if there would be no overall increase in visitor numbers, the conversion of a day visitor to a staying visitor through the investment in facilities which encourage people to stay locally would have an average boost to the local economy of £204.25 per visitor plus a significant supply chain boost. It has also put to me that the proposal would meet growing demand where there is a current lack of supply. However, given my findings in relation to the visual harm to the character and appearance of the area, this weighs significantly against the appeal site as a good location on which to address the undersupply of overnight visitor accommodation in the area.
34. The construction and operation of the proposal would result in job creation with 16 full-time staff on a 24-hour shift basis (albeit I recognise this number was suggested by the appellant for their original scheme for 15 lodges). There would also be indirect job creation within supply and service chains.
35. I have given careful consideration to the sustainability credentials of the proposed development, including the use of appropriate materials and its location in close proximity to various local services and facilities. I have also had regard to the proposed ecological measures and native planting. However, I note Derbyshire Wildlife Trust conclude that despite an overall minor net gain in habitat units, the proposal would result in a slight loss in high distinctiveness woodland and medium distinctiveness grassland. Therefore, I consider the biodiversity effects of the proposal would be neutral. Similarly, even if the surface treatment of The Heath would be upgraded, I give this neutral weight.
36. Bringing all the benefits of the proposed development together, overall, on the basis of the evidence presented, I afford them moderate weight.
37. There would be conflict with the development plan as I have found that the proposal would not be sensitive to its surroundings and would have a material adverse effect on the character and appearance of the local landscape to which I have apportioned significant weight. However, outside of my findings on the main issue, there would also be considerable benefits because of the appeal scheme encouraged by other elements of the development plan and the content of the Framework. In effect, the visual landscape protection policies of the development plan and the Framework in this case pull against the tourism related and economic benefits to the area.
38. Taking all of these considerations together in the overall planning balance, the harm that I have found to the landscape character and appearance of the area would not be outweighed by the benefits.

Conclusion

39. In conclusion, the proposal would conflict with the development plan when taken as a whole, and there are no other considerations, including the Framework, that outweigh this conflict. Accordingly, the appeal should be dismissed.

A Veevers

INSPECTOR