



Appeal Decision

Site visit made on 19 October 2023

by N Kempton BA(Hons) PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2024

Appeal Ref: APP/H1033/W/23/3319427

Land at Eccles Road, Chapel- en- le- Frith SK23 9RS

- 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 Wilson and Miss Worsley against the decision of High Peak Borough Council.
 - The application Ref HPK/2022/0245, dated 25 May 2022, was refused by notice dated 18 January 2023.
 - The development proposed is the erection of a residential dwelling, detached garage, works of hard and soft landscaping, new access and other works incidental to the proposals.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both parties were given the opportunity to comment on the amended National Planning Policy Framework, published in December 2023. I have taken into account representations received and these are addressed under Other Matters below.

Main Issues

3. The main issues of the appeal are:
 - Whether the proposal would be in a suitable location for housing, having regard to the local development strategy for the area;
 - The effect of the proposed development on the character and appearance of the area.

Reasons

4. Eccles Road leads out from the Market Place, parallel with High Street, from the town centre heading north-west, along the medieval route from Chapel to Whaley Bridge. The appeal relates to an open field on the south side of Eccles Road in open countryside beyond the north- western boundary of Chapel- en- le- Frith. The appeal site is accessed off Eccles Road via a five-bar agricultural gate. The site is bound to the north and west by mixed hawthorn hedgerow and mature trees. The site boundaries to the east and south are open, forming part of the open field, with the exception of a short section to the east which is shared with Higher Crossings Barn. The topography of the site is gently sloping

from west to east and north to south. Land rises along Eccles Road to the west towards Eccles Pike.

5. The appeal site is located at the settlement edge where land use is in transition from built form to open countryside. The built form density is lower with a loose grain. This part of Chapel- en- le- Frith is characterised by a peppering of detached dwellings and short terraces, clustered in small linear groups and orientated with eaves to the roads, which stretch out from the crossroads to the east, with farmsteads beyond. These groupings are interspersed with and punctuated by fields that extend up to the road, giving a rural pastoral character to the settlement and affording open views across the settlement and out to open countryside.

Location

6. Policy S2 of the High Peak Local Plan (HPLP) 2016 identifies Chapel- en-le-Frith as preferable for new development in the settlement hierarchy. In policy S3 the Council recognises that small sites make an important contribution to the housing supply in High Peak. Accordingly, policy S3 makes an allowance for new homes to come forward on unidentified small sites within Chapel- en -le- Frith over the plan period. Furthermore, policy H1 supports sustainable sites outside defined built-up area boundaries, where development would adjoin the built-up area boundary and be well-related with the existing pattern of development and surrounding land use and of an appropriate scale for the settlement; where the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; and where it would have reasonable access to local services and facilities.
7. Notwithstanding the settlement hierarchy or the allowance for new homes on unidentified small sites as set out in policies S2 and S3 of the HPLP respectively, because of the sporadic and rural nature of development, with large gaps between buildings, and the open landscape character of the site, the proposed development would not relate well to the existing pattern of development. The development would have significant adverse impact on the intrinsic rural character and distinctiveness of the area. As such the proposed development is contrary to policy H1 of the HPLP, relating to sustainable sites outside defined built-up area boundaries.
8. The site lies outside the 'Built-Up Area Boundary' for Chapel- en- le- Frith as defined on the Local Plan Proposals Map and is therefore in the countryside for planning policy purposes, where new development is not normally permitted under the provisions of the Local Plan. Policy EQ3 of the HPLP allows limited infilling of a small gap capable of accommodating no more than 2 dwellings of a similar size and scale to the surrounding dwellings in an otherwise continuously built-up frontage, where the intrinsic character and distinctiveness of the landscape is protected.
9. The appeal site, though it is located in a small gap between two dwellings, does not form part of an 'otherwise continuously built-up frontage', as stated in policy EQ3. It is a field in a settlement characterised by fragmented development interspersed with open fields extending up to the road. The development would fail to protect the character of the settlement pattern and its distinctive landscape. As such, the proposed development is contrary to policy EQ3 of the HPLP.

10. The open field represents a break in the fragmented built form, which positively contributes to the rural character of the settlement edge and reflects the transition to open countryside. The development would constitute an intrusion to the detriment of the character and appearance of the area, thereby eroding the rural character of this part of the settlement. For these reasons, the proposed development is contrary to policy EQ3 which seeks to ensure that new development outside the settlement boundaries is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The proposal is contrary to policy H2 of the Chapel- en- le- Frith Neighbourhood Plan 2015 which relates to smaller sites, identified as infill or redevelopment sites within the built-up area.
11. Paragraph 180 of the National Planning Policy Framework (the Framework) seeks protection of the countryside for its own intrinsic value and indicates that local planning authorities should avoid the development of isolated dwellings in the countryside, in the absence of special justification. Furthermore, paragraph 135 seeks to ensure that new development proposals are sympathetic to local character including the surrounding built and landscape setting. In this case, whilst the appeal site is not in an isolated location, the development would not respect the existing fragmented pattern of residential development in this transitional settlement edge location- the proposed development is not therefore, in compliance with paragraphs 180 and 135 of the Framework.

Character and appearance

12. East of the appeal site is Higher Crossings Barn, a stone built agricultural building, which has been converted for residential use. The development would create a continuous built-up frontage between this former barn and the small linear group of houses to the west. It would also erode the setting of the distinctive, characterful barn to the detriment of the legibility of its former use and function. The proposed development would undermine and cause harm to the character and appearance of the area. Retention of the existing field access to the east of the appeal site would not in itself satisfactorily mitigate the harm identified.
13. The development would not be compatible with the prevailing pattern and form of housing in the immediate vicinity. Whilst the proposed dwelling would relate to the detached residential properties to the west of the site, the scale of the proposed dwelling, which would be accentuated by proximity and topography- specifically rising land to the west- would serve to dwarf the former field barn, creating disharmony and appearing unduly prominent when viewed from lower land to the south and east. As such, the proposed dwelling would be detrimental to the rural setting of the former barn, diminishing its distinctive contribution to the character of the area.
14. Open fields with walled or hedgerow boundaries are important to the landscape character and setting of the village, providing visual and physical connectivity to the open countryside beyond. The proposed development would be visually prominent when viewed from within the settlement across the open field and would detract from the intrinsic character of the landscape. The development would fail to respect the defining characteristics of the local area and would not reflect the sporadic and fragmented development in this edge of settlement location.

15. This part of Eccles Road is characterised by a mix of individually designed detached dwellings set in relatively spacious plots, accessed via private driveways. In respect of the architectural design of the proposed dwelling, efforts to assimilate the proposed dwelling into the context and to respect local distinctiveness are noted- such as the material palette selection and the proposed boundary treatments.
16. Notwithstanding this, the proposed development is contrary to the requirements of policy EQ6 of the HPLP, which relates to design and place making, and to policy H3 of the Neighbourhood Plan (2015) relating to high quality design criteria, reflective of locally distinct characteristics, for new housing. Specifically, the proposed development would not constitute high quality distinctive design as required by these policies for the following reasons: the proposal would fail to achieve a satisfactory relationship to adjacent buildings and landscape features; development of this field would be intrusive, resulting in the loss of this significant landscape feature; and as such, would fail to positively contribute to the local character.

Other Matters

17. Notwithstanding the principles related to housing delivery outlined in the Framework, including the significant boost to housing the Government anticipates and the need for local planning authorities to seek opportunities, through policies and decisions, to support small sites to come forward for housing and self-build and custom-build housing (paragraph 70(b) of the Framework)- in line with the duty under the Housing and Planning Act 2016- these factors in this case do not outweigh the harm that I have identified to the spatial quality, landscape character and local distinctiveness of the area. Furthermore, the Framework requires local planning authorities to give great weight to the benefits of using suitable sites within existing settlements for homes.
18. It is accepted that the proposed development would also make a modest contribution to the local economy both in the construction phase and following occupation through support for local shops, services and facilities. However, all of these positive factors do not outweigh the harm identified to the spatial quality, landscape character and local distinctiveness of the area.

Conclusion

19. The open landscape setting here contributes to the intrinsic rural character of the area. The fragmented built form at the settlement edge, interspersed with open fields, provides visual and physical connectivity, aiding transition to the open countryside. The development would fail to respect the important transitional semi-rural buffer between the settlement core, the adjoining countryside and surrounding landscape. It would have a detrimental urbanising effect, thereby eroding this distinctive element in the composition and character of this part of the settlement.
20. As such, the development is contrary to the development plan when read as a whole, and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.
21. For the reasons given above, the appeal is dismissed.

N Kempton

INSPECTOR