



Appeal Decision

Site visit made on 7 May 2024 by Andreea Spataru BA(Hons) MA MRTPI

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2024

Appeal Ref: APP/M9496/W/23/3334755

Wooded area to the north of Kirk Edge Road

Easting: 427305 Northing: 392550

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Lucy & Michael Clarke against the decision of Peak District National Park Authority.
 - The application ref is NP/S/0123/0090.
 - The development proposed is described as 'outline application with all matters except access reserved for 1 no. dwelling on wooded site'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matter

3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issue

4. The main issue is whether the proposal would constitute an acceptable form of development, having regard to the provisions of the development plan policy in respect of a) character and appearance of the Peak District National Park (PDNP), and b) new housing.

Reasons for the Recommendation

Character and Appearance

5. Policy DMC4 of the Development Management Policies 2019 (DMP) requires that the siting of development should complement and not harm the character of the settlements, and states that for development that is separated from the existing settlement to such degree that it no longer forms part of the whole or is likely to result in pressure to infill an intervening gap, will not be permitted.
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6. The appeal site is located outside of the main built-up area of High Bradfield and is visually separated from the settlement by large fields and vegetation. Whilst there are some scattered buildings outside the main built-up area of the settlement, including those located to the south of the appeal site, the proposal would be separated from the nearby settlement to such a degree that it would not appear to be visually or functionally connected to High Bradfield.
7. The site itself is bounded by matured vegetation, which screens the remains of the structures that have blended into the landscape. When viewed from outside, the site appears as a conglomerate of trees in between large open fields. Accordingly, the site is well integrated within the rural setting, and it makes a positive contribution to the landscape.
8. Given the previous horticultural use of the site, and notwithstanding the presence of the existing buildings, the site does not classify as previously developed land. I note the appellants' intention to improve the appearance of the site through maintenance and landscaping, and I understand that the proposed dwelling would be served by the existing access. Whilst the dwelling would have a secluded position, the proposal would constitute additional built form, of a domestic appearance and use, in an area of countryside. Accordingly, the development would place a dwelling on undeveloped land, which would be detrimental to the rural landscape.
9. Given the details provided at this stage, I am unable to comment on the merits of the final design of any dwelling. However, the proposal would result in built form in the open countryside that would erode the area's landscape qualities. Consequently, the proposed development is contrary to Policies GSP1, GSP3, L1 of the Core Strategy Development Plan Document 2011 (CS) and Policy DMC4 of the DMP, which collectively require new developments to conserve and enhance valued landscape character.

New Housing

10. CS policy DS1 establishes the spatial housing strategy for the district, focussing the majority of new development in Bakewell. Policy HC1 of the CS states that new housing provision will not be made for housing solely to meet open market demand and that it will be acceptable only in specific exceptional circumstances.
11. Policy DMH1 of the DMP refers to new affordable housing. Part A of Policy DMH1 states that affordable housing will be permitted in or on the edge of Core Strategy DS1 settlements, either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that i) there is a proven need for the dwelling(s) and ii) any new build housing is within a specific size threshold. Part C of Policy DMH1 refers to self-build and custom build housing, which will be permitted on rural exception sites in accordance with Part A regarding proof of need and size thresholds.
12. The Authority outlines within the DMP the process through which affordable housing is recognised and distributed. Notwithstanding the special circumstances of the appellants, which I have considered in the section below, the appellants did not demonstrate that the proposal complies with the aforementioned policies, particularly regarding the location of the site and the status of the proposed dwelling as being 'affordable housing'.

13. Even if the location of the appeal site would be considered 'at the edge of the High Bradfield settlement', the proposal for self-build housing still needs to satisfy the affordable housing requirement.
14. I acknowledge that, as per the definition of self-build housing as outlined within the Framework, such housing can be either market or affordable housing. Notwithstanding the Authority's process of recognition for affordable housing, the Framework also outlines several definitions for affordable housing. No evidence has been advanced to prove the status of the proposal as 'affordable housing' according to the Framework definitions.
15. The appellants consider the proposal to be a more affordable option than what is available on the market. Be that as it may, the proposal fails to demonstrate that the proposed dwelling can be classed as 'affordable housing' according to the definitions of affordable housing as outlined with the DMP and the Framework.
16. For the above reasons, the proposed dwelling would not constitute an acceptable form of development, having regard to the provisions of the development plan in respect of new housing. The proposal is contrary to Policy HC1 of the CS, Policy DMH1 of the DMP and the Framework, which together seek to control the provision, distribution, and location of new housing.

Other matters

17. The Public Sector Equality Duty contained in Section 149 of the Equality Act 2010 requires consideration of the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The proposal would be beneficial by providing custom-build accommodation for the elderly or those with physical disabilities.
18. The proposal would allow the appellants' family, which has strong local ties to the area, to continue/return living in the area. Linked to this, I acknowledge the social, cultural, economic, and environmental benefits outlined by the appellants. I attach moderate weight to their personal circumstances and the benefits.
19. Having considered the appellants' circumstances, and having had regard to the Armed Forces Covenant, I acknowledge their specific need for housing within the area. However, whilst dismissal of the appeal would negate the opportunity to live in a custom-built accommodation within the preferred area, this is set against the detrimental effect the proposal would have in terms of other planning considerations. Furthermore, and notwithstanding the housing options outlined within the Planning Statement Rev F 03.08.23, it has not been satisfactorily demonstrated that, if the appeal were dismissed, there are no other appropriate alternatives to provide accessible accommodation. It does not therefore follow that the appeal should succeed for this reason alone.
20. I note that 3rd parties' representations are limited and that there were no objections from the Parish Council. However, this is a neutral matter rather than one that carries positive weight for the development.
21. The proposal fails to accord with the relevant development plan policies relating to new housing and to the character and appearance of the area. This conflict attracts considerable weight. The benefits advanced and personal

circumstances taken together would not be sufficient to outweigh the identified conflict with the development plan.

Recommendation

22. The appeal scheme would conflict with the development plan and there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Therefore, I recommend the appeal to be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Ben Plenty

INSPECTOR