



Appeal Decision

Site visit made on 11 June 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2024

Appeal Ref: APP/M9496/W/23/3329151

Land at Rowan Lodge, Hope Road, Bamford S33 0AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Meakin against the decision of Peak District National Park Authority.
 - The application Ref is NP/HPK/0323/0327.
 - The development proposed is proposed demolition of existing building and erection of a new open market dwelling, garage and associated works.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The Authority's third reason for refusal referred to insufficient evidence on protected species, biodiversity and ecology. However, on the basis of a Bat Survey Report submitted with the appeal, the Authority has stated that this reason for refusal should be removed subject to the development being carried out in accordance with the recommendations of that Report.
3. On that basis, the main issues are:
 - The effect on the character and appearance of the area; and
 - Whether the appeal site is appropriate for the form of residential development proposed, with due regard to local and national planning policy.

Reasons

Character and Appearance

4. The appeal site consists of an area of land between the dwelling of Rowan Lodge and a neighbouring residential plot. The site includes a tennis court, swimming pool/pond and a large utility building. The evidence suggests that the swimming pool and utility building were used in association with a nearby hotel which has since been redeveloped. However, based on the evidence before me, the appeal site is now part of the residential curtilage of Rowan Lodge.
5. The single storey utility building is of an understated functional appearance of no architectural merit, and is out of character for this area. Its removal would be a benefit of the scheme.

6. The proposed dwelling would be located in approximately the same location as the utility building. However, the proposal is of a poor design, of a width and arrangement that would appear as having a disproportionate height to width ratio. A large projection to the front of the dwelling would also detract from the importance of the main elevation and appear as an incongruous feature to the detriment of the legibility of the dwelling. The design and placement of the windows is also poorly considered, giving the front and rear elevations an awkward and contrived appearance. The design includes some welcome features, such as quoins as well as stone surrounds and mullions for the windows. But the overall impression is of a clumsy pastiche of a traditional dwelling in this area.
7. As stated previously, the removal of the large utility building would be a benefit. However, this single storey building is of a limited height and is not readily visible in views from the surrounding area. The proposed dwelling would be of a greater height, and would be apparent in views from the rear of the site, including from a passenger railway line and a public footpath. Even allowing for the removal of the utility building, the increased prominence and awkward design of the proposed dwelling would lead to significant harm to the character and appearance of the area.
8. The dwelling would be well-screened from Hope Road to the front of the site, and any views would be fleeting at most. However, this would not negate my conclusions in respect of the views from the rear of the site. I have also had regard to the variety of designs in the area, including along Hope Road, but they do not set a context which justifies the poor design of the proposed dwelling.
9. A parking area and garage are indicated in roughly the same location as the tennis court, and these may be more visible in views from Hope Road. However, limited information has been provided as to the design of these features, and had I been minded to allow the appeal I would have addressed these matters further.
10. Due to its design, scale and location, I conclude that the proposal would lead to significant harm to the character and appearance of the area. The proposal is therefore contrary to Policy DCM3 of the Authority's Development Management Policies 2019 (DMP) which seeks to ensure that the siting, scale and design of development, amongst other things, is appropriate to its landscape and built context. The proposal would also be contrary to the advice of the Authority's Design Guide which sets out that buildings should sit comfortably in the landscape.

Planning Policy

11. The appellant considers that the site consists of previously developed land (PDL). The Authority contests this, and refers to the National Planning Policy Framework (the Framework) which excludes "*...land in built-up areas such as residential gardens...*" from the definition of PDL.
12. However, viewed objectively and in context, I do not consider that the appeal site is within a 'built-up area'. Although there is development in the vicinity of the site including dwellings and a hotel of a significant scale, this has the character of sporadic development in the countryside rather than being part of

- a built-up area or settlement. I also note that the Authority's Delegated Report considers that the site is in the open countryside.
13. Although the appeal site is within the 'residential garden' of Rowan Lodge, such gardens which are not in 'built-up areas' are not excluded from the general definition of PDL given in the Framework. Although it should not be assumed that the whole of the curtilage should be developed, I am mindful that the appeal site contains the utility building which would be removed as part of the development. Given the particular circumstances of the appeal site, I conclude that it falls within the definition of PDL.
 14. Policy HC1 of the Authority's Core Strategy 2011 states that provision will not be made solely to meet open market demand. This policy also sets out a number of exceptions where new housing can be accepted. The proposed open market dwelling would not fall within those exceptions.
 15. However, Policy DMH6 of the DMP relates to the re-development of PDL to dwelling use, and I am mindful that the DMP was adopted subsequent to the Core Strategy. Paragraph 6.93 of the supporting text for Policy DMH6 states that "the first presumption is against re-use of such sites for market housing... until it is proven that a site is previously developed land". This implies that once a site is proven to be PDL then the principle of market housing is acceptable.
 16. However, this is subject to the proviso of DMH6(i) which sets out that the development of PDL for housing will be permitted provided that the development conserves and enhances the valued character of the built environment or landscape on, around or adjacent to the site. For the reasons stated previously in respect of Character and Appearance, the proposal would not comply with this requirement and would therefore conflict with Policy DMH6 when read as a whole.
 17. This is further emphasised by paragraph 6.97 of the supporting text for Policy DMH6 which indicates that proposals for housing such as the appeal proposal will be assessed against Core Strategy policies DS1 and GSP2 which require effective conservation and enhancement and a design that respects the character of the area. Although the undesirable utility building would be removed, the resultant development would not conserve the valued characteristics of the site and its surroundings.
 18. Drawing the above together, although I have concluded that the appeal site is PDL, I conclude that the form of residential development proposed is not suitable for the appeal site as it would conflict with Policy DMH6 of the DMP and Policies L1 and GSP2 of the Core Strategy with regard to the harm to the valued character of the built environment and landscape on and around the appeal site. The proposal would also be contrary to the Framework which emphasises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
 19. The Authority's reason for refusal on this issue refers to Policy HC1 of the Core Strategy, and the open market housing proposed would not fall within the exceptions listed in that Policy. However, the provisions of Policy DMH6 of the DMP with regard to development on PDL indicate that the proposal could be determined otherwise than in accordance with Policy HC1.

Other Matters

20. My attention has been drawn to a planning permission for the development of a site in Brough for 2 open market dwellings. However, that permission related to houses of a suitable design and which represented a significant improvement compared to the original appearance of the site. The circumstances that led to that permission being granted are therefore materially different to the appeal before me, which I have determined on its own merits.

Conclusion

21. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR