



Appeal Decision

Site visit made on 6 May 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal Ref: APP/M9496/W/24/3357263

Land to the south east of Aldi, Buxton Road, Bakewell

- 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 Jarman of Coverland UK Ltd against the decision of Peak District National Park Authority.
 - The application Ref is NP/DDD/0224/0230.
 - The development proposed is engineering operations to build up site levels to match those of the adjacent access road.
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Decision

1. The appeal is allowed and planning permission is granted for engineering operations to build up site levels to match those of the adjacent access road at land to the south east of Aldi, Buxton Road, Bakewell in accordance with the terms of the application, Ref NP/DDD/0224/0230, subject to the conditions in the attached schedule.

Main Issue

2. The main issue relevant to this appeal is the effect of the proposal upon the character and appearance of the area.

Reasons

3. The appeal site is located next to the car park for an Aldi food store and is bound by this, as well as Buxton Road, the junction for the Riverside Business Park and the river Wye. The car park has been built at a higher ground level than the appeal site and around this is a gabion wall which extends along the river Wye for a considerable distance. The appeal site slopes down from Buxton Road towards the river Wye. However, the access road to the Riverside Business Park and the associated bridge are built at a higher ground level than most of the appeal site. The appeal site forms part of the Peak District National Park and the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks.
4. The wider area is bound by the Riverside Business Park which is on the opposite side of the river Wye and the Deepdale Business Park which is on the opposite side of Buxton Road. The buildings around the Riverside Business Park are generally large utilitarian buildings, similar in appearance to the Aldi food store whilst the buildings in the Deepdale Business Park are typically large natural stone built commercial and office buildings. Buxton Road is generally bound by natural stone walls and there are trees and areas of vegetation nearby which softens the

appearance of the commercial and utilitarian buildings nearby but overall, the area has a semi-rural commercial landscape character.

5. The appeal site itself is mostly scrub land with limited landscaping within it. While the openness of the site does allow views towards the river Wye, given that there are no particularly notable features on the site, its openness makes a limited positive contribution to the character and appearance of the area.
6. The proposal seeks permission for engineering operations to create a levelled area of land similar in height to the car park which would be bound by a gabion wall. This wall would be set back from the river Wye to take into account the flood plain for the river and the submitted Flood Risk Assessment provides justification for this. Around part of the appeal site is a natural stone wall and the proposed gabion wall would be installed near to this but set back from it. The proposal would extend the existing gabion wall a similar distance from the river Wye and as such, the scheme would continue an existing feature of the area. However, it is proposed that the scheme would be bound by natural stone which would be consistent with the walls that bound Buxton Road, as well as part of the appeal site. As such, the scheme would use a feature that makes a positive contribution towards the character and appearance of the area and this material would not appear stark within the local landscape.
7. The extension of the raised engineered land along the river Wye would introduce additional built form along the river which would further urbanise the land around it. However, the river runs through the Riverside Business Park and given that the raised area would be seen alongside the car park for Aldi and the buildings associated with the business park, the introduction of a large area of engineered land would not appear out of context and would be a congruous addition to the wider area.
8. While the gabion wall, alongside the existing gabion wall would be a notable feature from the river Wye, the roads around it are generally located at a higher ground level. The scheme would be a similar height and thus when viewed from the surrounding area, the development would not appear prominent or overbearing, retaining views across the site. Landscaping is also proposed around the site, alongside the river Wye and the junction to the Riverside Business Park and this, as well as the use of natural stone would enhance the appearance along the boundaries of the site.
9. Taking into consideration the appearance of the appeal site within the wider semi-rural commercial context, the design and scale of the proposed engineering operations would conserve the landscape character of the site within the wider area and the use of natural stone and landscaping would lead to an enhancement in the appearance of the appeal site. As such, the scheme would conserve and enhance the landscape and scenic beauty of the National Park in this location.
10. Therefore, the proposed development would not harm the character or appearance of the area and would accord with Policies GSP1, GSP2, GSP3 and L1 of the Peak District National Park Core Strategy (CS) and Policies DMC3, DME7 and DME8 of the Development Management Policies Document. These expect development to, amongst other matters, respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. For the reasons given above, by causing no harm the proposal would

also not conflict with the requirement in the National Parks and Access to the Countryside Act 1949 for me to further the purposes of conserving and enhancing the natural beauty of the Peak District National Park.

11. Reference has been made to Policies CC1 and CC5 of the CS in the Decision Notice, however these relate to matters concerning flood risk and are not relevant to this issue.

Other Matter

12. The appeal site is located within Flood Zones 2 and 3. However, a Flood Risk Assessment (FRA) was submitted with the application and following the submission of a revised site plan and FRA the Environment Agency concluded that, subject to a condition ensuring that no ground raising occurs below a specified level that the development would meet the Frameworks requirements in relation to Flood Risk. Based on the information submitted and subject to the mitigation measure set out in the FRA, I find no reason to conclude otherwise.

Conditions

13. Further to the statutory commencement condition a condition requiring the development is carried out in accordance with the submitted plans is necessary in the interest of certainty.
14. A condition requiring a Construction Environment Management Plan (CEMP) is submitted and approved, is necessary in the interests of preventing pollution entering the river Wye. It is necessary for this to be pre-commencement to ensure works which could lead to pollution entering the river Wye are not undertaken before the CEMP is implemented.
15. Conditions 4 and 6 are necessary in the interests of the character and appearance of the area as well as conserving and enhancing the National Park.
16. A condition requiring the development is carried out in accordance with the Flood Risk Assessment and the mitigation measure is necessary in the interests of ensuring the development would not increase flood risk elsewhere.

Conclusion

17. The development would be in accordance with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan PP-12835432v1; 2277-03C; 2277-04B and 1875-001.
- 3) The development hereby permitted shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the CEMP.
- 4) Prior to the erection of any gabion walling a scheme of natural stone facing for the external face of the gabion walls including extent of coverage and a 1 metre squared sample panel of the stone facing shall be submitted to and approved in writing by the national park authority. Thereafter the approved cladding shall be erected within 6 months of the erection of the corresponding sections of the gabion walling.
- 5) The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (ref 008-01, Revision 2; Land off Ashford Road, Bakewell prepared by WildGreenBlue; dated 24 April 2024) and the submitted site plan (drawing no 2277-03C), and the following mitigation measure it details:

No ground raising to take place below 127.15 metres Above Ordnance Datum (mAOD) on the site, as per drawing no 2277-03C.

The mitigation measure shall be fully implemented prior to the first use or completion of the development hereby permitted, whichever is the sooner. The measure detailed above shall be retained and maintained thereafter.
- 6) The planting shown on drawing no 1875-001 shall be carried out as specified on the approved drawing within the first planting season following the commencement of construction of the gabion walling hereby permitted and shall thereafter be maintained in full accordance with the aftercare and ongoing maintenance provisions detailed on the drawing.

End of Schedule