

Appeal Decision

Site visit made on 5 November 2015

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 December 2015

Appeal Ref: APP/H1033/W/15/3131988

Land adjacent to 26 Brickfield Street, Padfield, Glossop, Derbyshire SK13 1DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Anne Smith against the decision of High Peak Borough Council.
 - The application Ref HPK/2015/0131, dated 4 March 2015, was refused by notice dated 30 April 2015.
 - The development proposed is residential development to provide two houses.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development to provide two houses on land adjacent to 26 Brickfield Street, Padfield, Glossop, Derbyshire SK13 1DZ in accordance with the terms of the application Ref HPK/2015/0131, dated 4 March 2015, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. The application was submitted in outline form with all matters reserved for future approval except access. I have assessed the proposal on that basis.
3. A site plan accompanies the proposal. It shows two dwellings sited side-by-side facing the road and linked by garages with spaces for vehicle parking off a shared forecourt. Apart from the proposed access arrangements, I have treated this plan as being for illustrative purposes only.
4. Reference is made to the emerging draft High Peak Local Plan (draft LP) although not in the Council's reasons for refusal. Even though this Plan is at an advanced stage, it is still in draft form and so its policies may change prior to adoption. Therefore, I attach limited weight to the draft LP in this appeal.

Main Issues

5. The site is located within the Green Belt. The main issues are, firstly, whether the proposal is inappropriate development in the Green Belt; secondly, the effect of the proposal on the openness of the Green Belt and the purposes for including land within it; and thirdly, the effect of the proposed development on the character and appearance of the local area.
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Reasons

6. The site forms part of a larger sloping field at the head of a residential cul-de-sac, which is Brickfield Street, on the fringe of the settlement of Padfield. The Council states that the site is located beyond the defined built up boundary and so it falls within the countryside. The proposal is to erect two dwellings on the site with access from Brickfield Street.

Whether the proposal is inappropriate development in the Green Belt

7. The Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate except for the circumstances set out in paragraph 89. Among the exceptions listed in this paragraph is limited infilling in villages. The corresponding list in Policy OC2 of the Council's High Peak Saved Local Plan Policies (LP) is different in that it does not include limited infilling in villages. As such, this policy is not fully consistent with the Framework. For the purpose of this appeal, I have attached greater weight to paragraph 89 of the Framework, as it is current national policy.
8. The proposal would involve the erection of two dwellings, which is limited in scale. With regard to infilling, a commonly used definition of this is small-scale development that fills a gap in an otherwise largely built up frontage. In the absence of any more compelling alternative, I find it appropriate to rely on that definition in this instance. The proposal would fill a modest-sized gap between the end of a terrace facing Brickfield Street on one side and housing on Rhodes Top on the other. As layout and scale are reserved for future approval, the new built additions and their gardens would not necessarily be significantly out of line with existing development. To my mind, the proposal could reasonably be regarded as infill development.
9. As part of an open field, the site visually blends into the rising landscape beyond. Even so, once complete, the new dwellings would stand towards the front of this field and form part of a largely continuous residential development from Brickfield Street to Rhodes Top, both which the Council states are within the defined built up boundary. In that context, the new development would be part of the village rather than the surrounding countryside.
10. In reaching this finding, I note that there is no reference in paragraph 89 (fifth bullet point) of the Framework to a local plan, its designation of settlements or to settlement boundaries. In other words, the term 'village' in paragraph 89 need not necessarily be the same as the settlement boundary given that local circumstances can vary and much depends on the situation 'on the ground'.
11. Taken together, I conclude on this first issue that the proposal can reasonably be considered as limited infilling in a village. Therefore, it is not inappropriate development in the Green Belt and there is no material conflict with the Framework, LP Policy OC2 or with draft LP Policies S6 and EQ3. As such, there is no need to consider whether or not there are other considerations amounting to very special circumstances to justify the new development.

Openness and the purposes for including land within it

12. An essential characteristic of Green Belts is their openness. In building on an undeveloped site the proposal would reduce the openness of the Green Belt.

13. The extent of that reduction would be dependent on the scale of the development, which is a reserved matter. Having regard to the position of the site between existing residential properties and the opportunity to introduce buildings of a modest scale, mass and height, I find that the loss of openness to the Green Belt in those particular circumstances would not be significant.
14. With existing development on either side, the proposal would largely consolidate the existing settlement pattern rather than significantly intrude into the open rural landscape. While the appeal scheme would result in new built form on part of what is an open field, I consider that the proposal would not significantly encroach into the countryside nor would it compromise any of the other purposes of Green Belt designation.
15. For these reasons, I find no material conflict with the Framework, LP Policy OC2 or draft LP Policies S6 and EQ3 insofar as they aim to safeguard the openness of the Green Belt and the purposes for including land within it.

Character and appearance

16. The proposal would introduce a substantial built form into undeveloped land that, at present, positively contributes to the spacious feel towards the end of the cul-de-sac. This green space, with its grassed areas and open frontage to Brickfield Street, also adds to the local street scene by offering views from the road towards the rural landscape beyond. This contribution can be appreciated in the vista on the immediate approach to the site along Brickfield Street, which is otherwise visually confined by existing housing. It would also be experienced, to varying extents, in views from the front of nearby properties, notably 17 Brickfield Street, on the opposite side of the road.
17. In my opinion, a development with a sizeable footprint and a solid continuous mass across much of the site's width, as illustrated on the indicative layout, would unacceptably diminish the presence of the open green space in the street scene. It would also noticeably curtail the expansive view across the site towards the rural landscape from the road. With a large forecourt and frontage parking, hard surfaces and vehicles would also visually dominate the scheme, which, in my view, would be a less than ideal design solution. On that basis, I share some of the Council's concerns about the effect of the proposal on the character and qualities of local street scene to which the site belongs.
18. Nevertheless, the site plan shows how the development might be laid out. Scale, layout, appearance and landscaping are all reserved for subsequent approval. From what I saw, the generous width and depth of the site would allow new buildings of modest scale and height to be readily assimilated into the street scene and to relate well to the pattern of existing development. The layout could also provide gaps between and on either side of the new buildings to retain a degree of visual inter-connectivity with the landscape beyond.
19. With careful attention to detailed design matters, including a high quality landscape framework to visually integrate the scheme with the open land to the south, it would be possible for a residential scheme of two dwellings on the site to retain a spacious feel and greenery to the street scene and keep a visual connection with the wider landscape. As such, the new development would respond to local character and add to the overall qualities of the area. From

the opposite direction, the ridgeline to the south of the site would effectively screen views of the proposal in views from this vantage point.

20. Therefore, I conclude that the proposal would not significantly harm the character and appearance of the local area. As such, it does not conflict with LP Policy GD4, which aims to ensure that development is sympathetic to the character of the area and does not cause undue detriment to the visual qualities of the landscape. It would also adhere with a core principle of the Framework, which is to conserve or enhance the built and natural environment.

Other matters

21. As the Council is unable to demonstrate a 5-year supply of deliverable housing sites relevant policies for the supply of housing, notably LP Policy OC1 cannot be considered up to date in the light of paragraph 49 of the Framework. The location of the site beyond the defined built up area boundary is not therefore a policy bar to residential development. Moreover, the proposal would contribute to meeting some of the 5-year housing shortfall.
22. The Council and the Highway Authority raise no objection to the proposed access arrangements subject to the imposition of conditions. On the evidence before me, I see no reason to reach a different conclusion on this matter.
23. Given my findings on the main issues, I have not considered in any detail the appellant's points with regard to the line of the Green Belt boundary as it crosses some Rhodes Top properties and the input to the emerging draft LP process. Reference is also made to developments elsewhere notably at Chinley and Whaley Bridge and to a proposed amendment to the Green Belt boundary at Furness Vale. From the information provided there are, it seems to me, notable differences in the characteristics of these other sites that effectively preclude any meaningful comparison with the appeal scheme. In any event, each proposal should be assessed on its own merits, as I have done.

Conclusion

24. I have had regard to all other matters raised, but have found nothing sufficient to alter or outweigh my overall conclusions that the proposal would not be inappropriate development in the Green Belt and that it would be acceptable in other respects. There would, therefore, be no material conflict with relevant development plan policies or the Framework. It follows that the appeal should be allowed subject to conditions.

Conditions

25. The application was submitted in outline form with only access to be determined at this stage. Therefore, it is necessary to attach the standard conditions setting out the timetable for the submission and approval of reserved matters. A condition that requires the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
26. To ensure the satisfactory appearance of the development and to safeguard openness, it is necessary to remove permitted development rights in relation to dwelling extensions, alterations, outbuildings and hard surfaces. Details of surface and foul water disposal are required to ensure that the site is properly

drained. In the interests of highway safety, details are required of the access arrangements including any gates, barriers and the gradient of the road into the site. To safeguard the living conditions of the occupiers of nearby properties details of ground and finished levels and any pile driving operations are required. For the same reason, a construction method statement is required to control the arrangements during the construction phase. A condition requiring that a site investigation be carried out to establish the nature and extent of any contamination is also required. This is to ensure that the land is suitable for the development and to safeguard the health and safety of those engaged in the construction and occupation of the development.

27. Where necessary, I have amended the Council's suggested conditions in the interests of clarity and to more closely reflect national policy. Details with regard to drainage and ground and floor levels are additional to those recommended by the Council. It is unnecessary at this stage to control the use of the on-site parking arrangements as this can be covered at the reserved matters stage with regard to layout.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) Details of the landscaping, scale, appearance and layout (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 15.2/1 and the Site Location Plan, which shows the site edged red.
- 5) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling and disposing of waste resulting from construction works; and delivery and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures

if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority before work recommences.

- 7) There shall be no gates or other barriers on the access road within 5-metres of the nearer edge of the carriageway. No gates, barriers or any part of their opening arc shall open over the public highway.
- 8) The proposed access road from Brickfield Street shall be no greater than 1 in 14 for the first 5-metres from the nearside of the public highway and shall be no greater than 1 in 10 thereafter.
- 9) Details of the method, timing and duration of any pile driving operations associated with the construction of the development hereby permitted shall be approved in writing by the local planning authority before such operations take place and shall be implemented in accordance with the approved details.
- 10) No development shall take place until details of existing and proposed ground levels and the level of the proposed floor slabs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No development shall take place until there has been submitted to and approved in writing by the local planning authority a detailed scheme for the disposal of foul and surface water from the site, which includes sustainable drainage measures. The approved scheme shall be completed before any of the buildings hereby approved are occupied. Development shall be carried out in accordance with the approved details.
- 12) Development shall not begin until details of the junction between the new access road and the public highway, visibility splays and the road layout within the site have been submitted and approved in writing by the local planning authority. The junction between the public highway and the road to serve the development hereby permitted shall be constructed in accordance with the approved details and completed before any of the buildings hereby permitted are occupied.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by Classes A-F (inclusive) of Part 1 of Schedule 2 of the Order shall be carried out.