

Appendix B

Appeal by Mr and Mrs Hall

Site at 23 Bridle Road, Woodthorpe, Chesterfield.

CHE/16/00804/FUL

2/5617

1. Planning permission was refused on 2nd February 2017 for conversion of a goat shed /stable into a holiday let at 23 Bridle Road, Woodthorpe.
2. The reason for refusal was:

The goat shed the subject of this application was consented in January 2014 with a further extension to it approved in March 2016. The structure lies within the Open Countryside as protected by saved policy EVR2 of the Local Plan where it is concluded the proposals are contrary to the provisions of this policy. The Council is currently able to demonstrate a 5 year supply of housing and the applicant has failed to provide any evidence to show that efforts have been made to secure re-use of this relatively new rural building which furthers employment or that an employment use would be inappropriate in the building.

Having regard to further criteria of policy EVR2 the location of the proposed development is not within reasonable walking and cycling distance of a centre or any grouping of key services and does not meet criteria a of this same policy. In addition there would be a degree of 'urbanisation' to the area as a result of the formation of the driveway and vehicle parking to the development which would also be contrary to criteria e. It is therefore considered that despite the absence of any evidence to meet the first requirements of policy EVR2; the subsequent detailed assessment criteria of the same policy are failed and the conclusion reached is that the development proposals are also contrary to these provisions. In further context of policies CS1, CS2, CS9 and CS18 of the Core Strategy the site is not considered to be within a reasonable walking distance from a centre and is located on a country lane where there are no pedestrian walkways. In order to achieve an appropriate means of access to the development proposal which is appropriate in highway safety

terms conflict with policies CS2, CS9 and CS18 of the Core Strategy arise from the necessity to remove important hard and soft landscaped feature of the country lane (inc. protected trees) which would further erode and urbanise the character of the area which is contrary to these development plan policies and the wider aspirations of the National Planning Policy Framework.

3. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
4. The main issues are, firstly, the effect of the development on the character and appearance of the area and, secondly, whether the development would accord with development plan policy and national policy guidance relating to development in rural areas.

Character and appearance

5. Bridle Road is a pleasant country lane that is flanked by trees and hedgerows along most of its length. It is bounded in part by a traditional stone wall, which runs across the frontage of the appeal site. A number of mature trees are also positioned along the site frontage and are subject to a Tree Preservation Order. The development proposes the creation of a new access onto Bridle Road. This would involve the realignment and removal of a section of the existing stone boundary wall. The boundary wall contributes significantly to the 'country lane' character of this part of the road, and its realignment and partial demolition would be harmful in this regard. In addition, the Highway Authority has commented that a number of protected trees along the site frontage would need to be removed in order to create a safe access point with an adequate visibility splay. This has not been disputed by the appellant. These trees are tall, mature, and in good condition and they contribute to an attractive environment along Bridle Road. In the inspectors view, they are of high amenity value and their removal would result in further harm to the character and appearance of the area.

6. The goat shed building already exists and is seen in the context of the adjacent group of dwellings. The proposed parking area, driveway, and any associated domestic paraphernalia, would also be partly screened by the boundary wall which could be supplemented with additional planting. In this context, the development would not lead to an undue urbanisation of the site or result in a significant encroachment into a strategic gap.
7. On this basis the inspector concluded that the development would significantly harm the character and appearance of the area. It would therefore be contrary to the relevant sections of Policies CS2, CS9 and CS18 of the Chesterfield Local Plan: Core Strategy 2011-2031 (2013). These policies seek to ensure, amongst other things, that new development responds to and integrates with the character of the site and its surroundings and conserves local distinctiveness.

Development in rural areas

8. The appeal site is located within the Open Countryside, and is therefore subject to saved Policy EVR2 of the Replacement Chesterfield Borough Local Plan (2006). This policy requires that proposals to convert rural buildings to housing be supported by evidence to show that efforts have been made to secure a re-use which furthers employment. This Policy broadly accords with national policy guidance in force when the Local Plan was adopted which expressed a preference for re-use of buildings in the countryside for economic development purposes.
9. The National Planning Policy Framework (“the Framework”) was published after Policy EVR2 was adopted. Paragraph 215 of the Framework states that due weight should be given to relevant policies in earlier plans according to their degree of consistency with the Framework. In relation to the conversion of existing buildings in rural areas, the Framework does not restate the previous preference for economic re-use. Accordingly, Policy EVR2 is inconsistent with the Framework in this regard, as it is more restrictive.

10. The site is within a short walking distance of a bus stop on Norbriggs Road with services to Chesterfield and Bolsover. It is also around a 10 minute walk along a good footpath to a public house, convenience store, and a bus stop served by frequent services, located on Lowgates. Moreover, it is near to footpaths that lead to Poolsbrook Country Park and out into open countryside. In the inspectors view, it is in an accessible location for a development of its type. Whilst there are no pedestrian walkways along this part of Bridle Road, the inspector noted that it is a dead end that serves only a small number of properties. It therefore has very limited light traffic along it.

11. For the above reasons, the inspector concluded that the development would accord with national policy guidance relating to development in rural areas. In this regard the Framework is a significant material consideration that outweighs any failure to comply with part of Policy EVR2 of the Replacement Chesterfield Borough Local Plan (2006). The development would also be in an accessible location and would therefore comply with the relevant sections of Policies CS1, CS2, CS9 and CS18 Chesterfield Local Plan: Core Strategy 2011-2031 (2013). These policies seek to ensure, amongst other things, that new development maximises opportunities for walking and cycling.