

Appendix A

Appeal by Mr M Bellfield

Three dwellings on land at St Josephs Church Chesterfield Road,
Staveley, Chesterfield.

CHE/21/00508/FUL

1. Planning permission was refused on 5th January 2022 for three dwellings on land at St Josephs Church on Chesterfield Road. The reasons for refusal were:

The proposed development is considered to be contrary to Policy CLP15 of the adopted Chesterfield Local Plan 2018-35 having regard to the location of the site within the strategic gap area. The development of the three dwellings on the land together with the building up of land levels, the loss of the tree and scrub covering to the land, the new access and the removal of the A619 frontage hedgerow and trees is considered to cumulatively lead to the erosion of the open character of the site which will certainly diminish the appreciation of the open countryside area for those passing by the site on the A619 or viewing it from the estate to the south and the development will undoubtedly contribute to the erosion of the open land area contrary to the purpose of the strategic gap, which plays a role in maintaining the existing boundary of the urban development of Staveley.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues in this appeal were the effect of the proposed development upon the character and appearance of the area, having specific regard to the functions of the Strategic Gap designation.
4. The appeal site relates to a parcel of land, used at present as a temporary construction area associated with a housing development on neighbouring land. The A619, a main route into Chesterfield, lies to the south, with housing beyond. Land levels fall notably to the north, towards the Chesterfield Canal, separated from the appeal site by open agricultural land. The visual appearance of the site from surrounding areas is mainly

defined by the mature trees and landscaping to its boundaries, giving it an overall verdant appearance. Whilst the site differs in character and appearance from the agricultural land to the north and west, nevertheless, in its present state, it makes a positive contribution to this area in views along the A619 and from the canal towpath.

5. Within the Chesterfield Borough Council Local Plan Adopted July 2020 (LP), the site is designated as part of a strategic gap, which extends beyond the site to the north, northeast and west. LP Policy CLP1, which provides the overarching spatial strategy for growth, recognises that strategic gaps give distinct identity to different areas, prevent neighbouring settlements from merging and maintain open space. It requires that the open character of the strategic gap be protected from development. LP Policy CLP15 requires that new development does not harm the character and function of a strategic gap, in this case SG2 – Ringwood and Hollingwood. Also relevant is LP Policy CLP2, which establishes the locational criteria to be applied to new development not on allocated sites. This policy prioritises the Council's spatial strategy within Policy CLP1 above all other criteria. LP Policy CLP3, which provides flexibility in housing delivery, is relevant insofar as it defines the 'Built Up Area', within which the appeal site lies. However, the text of this policy is less relevant to the proposal because it deals with allocated sites and identifies when new housing on unallocated sites, would be acceptable outside of the defined built up area.
6. In broad terms, this part of the strategic gap is bound by Staveley to the east, Middlecroft to the south, Ringwood to the southwest and Hollingwood to the west. Noting the position of the appeal site within the strategic gap, and its relationship to these urban areas, its development would not result in their merging to any greater extent than exists at present. The retained part of the strategic gap would ensure that there was no significant erosion of the setting or identity to these areas. Therefore, in considering this specific function of the strategic gap, the proposed development would not result in harm.
7. However, a further function of the strategic gap is to support the appreciation and wider perceptual benefits of the open countryside. When travelling along the A619 in either an

easterly or westerly direction, this section of the strategic gap provides some pleasing visual relief from the built form, through either an open vista across agricultural land, or from areas of mature vegetation. This visual relief is experienced for only a relatively short distance. The contribution of this part of the strategic gap to the appreciation of the open countryside is also experienced from the Chesterfield canal towpath to the north (also the Trans Pennine Trail), which offers a pleasant route for walkers and cyclists along the canal, with open vistas across the land to the north. Whilst the Arup report which provided the basis for the strategic gap designation was not provided to the inspector he was able to make his own observations in this regard.

8. Whilst there is some disagreement as to the overall extent of tree and hedgerow removal required to facilitate the development, it is clear that most existing trees along the site frontage would require removal, along with part of the frontage hedge. Whilst these trees may not be high quality specimens, nevertheless, in their mature state, they add positively to this part of the strategic gap in terms of providing visual relief from the built form. Along the northern boundary, a further portion of mature landscaping, along with some individual trees, would also require removal to allow for re-grading and retaining of the land.
9. Whilst the proposed housing would sit at a lower level when viewed from the south, the built form and road infrastructure would not be wholly screened by the retained portion of hedge and any additional planting. Parts of the development would be visible over the hedge and at the access. From the north, the site topography would allow views of the housing and associated terracing, over any retained landscaping. In effect, the site would be urbanised, changing from its present undeveloped state to housing with landscaping. This would reduce the undeveloped frontage of the strategic gap along the A619, whilst also extending the built form into the strategic gap when viewed from the north. This urbanising effect would diminish the contribution the site makes to this designation, and in turn, the appreciation and wider perceptual benefits of the open countryside, derived from it. Whilst the inspector appreciated that the proposal is for three dwellings only, impacting on only part of the strategic gap, the site area is not

small, with a reasonable length of frontage onto this relatively short, open length of the A619. Further, it would have a notable presence when viewed from the north, due to the sloping topography.

10. The inspector considered the supplementary planting proposed and noted the concerns expressed in terms of the achievability of some of these proposals. Notwithstanding this, he was not convinced that the landscaping to be retained and proposed would adequately soften or screen the development to the extent that it could continue to contribute to the character and function of the strategic gap in the positive way it does at present. Therefore, this mitigation planting would not adequately address the identified harm.
11. As such the inspector concluded that this proposal would result in harm to the character and appearance of the site and the surrounding area, and consequently, it would harm the function of the strategic gap. This would not comply with LP Policy CLP15, which seeks to ensure the character and function of strategic gap designations are not harmed, in order to provide relief as well as access to the open countryside. Nor would it comply with paragraph 174 of the National Planning Policy Framework (NPPF), which seeks to ensure that all decisions contribute to and enhance the natural and local environment.
12. The inspector appreciated that the site had been included within the 'Built Up Area' (BUA) on the Council's Proposals Map and that this is a change in status from the previously adopted local plan. Nevertheless, for the reasons outlined above, the inspector found that the site makes a positive contribution to the strategic gap and the proposed development would harm the character and function of that gap. The inclusion of the site within the defined BUA is not sufficient to overcome that harm.

Other Matters

13. Whilst the inspector had not advised of any shortfall in housing land supply or delivery, the proposal would provide additional housing to the local supply, in an accessible location, close to the services and facilities of Staveley. That the appellant is presently building on the adjacent site would

suggest that these houses could be delivered in the shorter term. Such development would bring associated investment and spend to the area, contributing to broader regeneration aims of the Council. However, given the scale of the proposal, these benefits of the development would attract only limited weight.