

Town & Country Planning Act 1990 (As amended)

Appeal by
Wulff Asset Management Limited

Against the refusal of Outline Application for up to 196 dwellings with all matters reserved other than the means of access.

At
Land North West Of 1 To 12 Twelve Houses, Sowbrook Lane, Stanton By Dale,
Derbyshire DE7 4QX.

PROOF OF EVIDENCE (2)

OF

JAMES GRUNDY
MLPM, LRTPI

PINS Appeal Ref: APP/N1025/W/23/3319160
Council Ref: ERE/0722/0038

1. Introduction

- 1.1 I am James Grundy, Senior Planning Officer at Erewash Borough Council, a post I have held since 2021. From 2015 to 2021 I was employed as a Planning Officer with Erewash Borough Council. I hold a Masters in Landscape Planning and Management from the University of Manchester and am a licentiate member of the Royal Town Planning Institute.
- 1.2 During my career I have gained extensive knowledge and experience of matters relating to appearance and visual impact, in relation to planning applications ranging from small scale proposals to various major development schemes.
- 1.3 In this proof, my evidence relates to the visual impact of the proposed development, as per the fifth reason for refusal of the planning application.

2. Reason for Refusal

- 2.1 The fifth reason for refusal of planning application ERE/0722/0038 states:

“The proposed development would lead to the loss of the open landscape which is characteristic of the area. Development of the site would cause significant harm to the visual amenities of the area. The proposal therefore fails to accord with Section 12 of the National Planning Policy Framework and it would be contrary to Saved Policy H12 – Quality & Design and Core Strategy Policy 10: Design and Enhancing Local Identity.”

3 The character of the appeal site and its surroundings

- 3.1 The site is one part of a patchwork of open space comprised of fields, the Nutbrook Canal (alongside which runs a Public Right of Way), the Nut Brook and the Nutbrook Trail (a walking and cycling path along a former railway line). To the west of that belt of open space is Kirk Hallam; to the south and east are industrial developments on the site of the former Stanton Ironworks; the listed cottages considered elsewhere also sit to the south; to the north is housing on the edge of Ilkeston.
- 3.2 When leaving Kirk Hallam, at the point where Dallimore Road becomes Sowbrook Lane, it is abundantly clear from the stark difference between the built development behind you and the verdant scene ahead of you, that you are leaving the settlement behind and heading into an area of entirely different character. A similar clear break is appreciated when approaching from the north along Quarry Hill Road which becomes Ilkeston Road, and when approaching from the east along Lows Lane.

4 The proposal and its visual impact

- 4.1 The proposal is to erect up to 196 houses on an open, agricultural field. It would be detached from the closest settlement and would be a stand-alone development.

- 4.2 The proposal to develop up to 196 houses on this open field would plainly harm its character. It would no longer be a rural field, but would be an urbanised housing development. Highly engineered accesses on Ilkeston Road and Sowbrook Lane would themselves spread the urbanising impact and would provide clear, wide and long views of the 196 houses. The development would be seen as a visual intrusion into the countryside, that has no relationship with its rural surroundings.
- 4.3 The character of the wider immediate locality here is rural and clearly different to that of the nearby built development, as can be appreciated on all approaches. It is an example of the intrinsic character and beauty of the countryside which paragraph 174 of the NPPF requires plan makers and decision makers to recognise and enhance. The proposal would not be an enhancement of the existing character and beauty.
- 4.4 The patchwork of open space which this field forms part of is an attractive area of open land. It provides a clear, distinct and beneficial buffering gap between the developed areas of the wider settlement.
- 4.5 Extended references to the Derbyshire Landscape Character Assessment (DLCA) are made in the appellant's submissions. Whilst Core Strategy Policy 10 specifies that proposals for new development outside of settlements will be assessed with reference to that Assessment, in this instance it was not considered that the harm would be caused on a scale which would be detrimental to the Derbyshire Landscape Character. Consequently, the committee report and the decision notice do not specify the Assessment as being material to the reasons for refusal. That position is not altered. As such, ways in which the proposal could meet, or otherwise, the guidelines for development set out within the Assessment are not considered material to the determination of this appeal. Notwithstanding that, it is noted that the DLCA map shows the application site as being within the Coalfield Village Farmlands landscape character type. The DLCA is, by definition, an assessment of the whole county at a landscape level. It is useful and informative at that level and provides detailed assessment of some characteristics within each character type. In actuality, the appeal site is not within a village or town. The DLCA does not provide weight in favour of the siting of a free floating housing estate on a field outside of any settlement. The proposal is not compatible with the character described in the DLCA.
- 4.6 The harm to visual amenity which would arise would be localised. It would be significant. The appellant's Landscape Statement identifies a range of vantage points from which views into and across the site can be gained. It is not disputed that there would be multiple views of the development.
- 4.7 Along all site boundaries there is significant vegetation comprised of trees and mature hedges. The submissions indicate that they would be partially retained, although landscaping is a reserved matter. The submissions suggest that this would largely prevent views of the development.

- 4.8 Whilst boundary vegetation does screen some views into the site, and whilst noting that scale and appearance are reserved matters, it is plainly the case that up to 196 houses would be visible from vantage points all around the outside of the site, where the urbanising impact of the development and its accesses would be observed. Photographic examples of these views are provided in the appendices.
- 4.9 To the north of the site, on the opposite side of the Nutbrook Canal is a well used public right of way. It provides clear views across the field. The proposal would be plainly visible from that footpath and would be viewed as a separate parcel of housing, detached from any other development. Due to this detachment, the location and scale of the development would be visually intrusive and harmful to the character and appearance of the area.
- 4.10 Similarly clear views are possible from various points along Sowbrook Lane to the south of the site, with the same harm arising.
- 4.11 The boundary hedgerows provide a strong contribution to local character. The submissions made with the application were unclear with regard to the amount of hedgerow which would be lost to create the two carriageway accesses. Submissions made with the appeal do not aid clarity. It is noted that a plan appended to the Biodiversity Net Gain Assessment specifies that the existing hedges within the visibility splays would be retained, which is not considered to be practicable. The loss of much of that characteristic boundary treatment would be harmful in itself and would amplify the impact of the built development on its surroundings.

5 Conclusion

- 5.1 The development would result in a loss of open countryside, to the detriment of visual amenity, being harmful to the landscape setting, contrary to the requirements of NPPF paragraph 130. It would fail to achieve the aims of NPPF paragraph 174 which requires decisions to recognise the intrinsic character and beauty of the countryside.