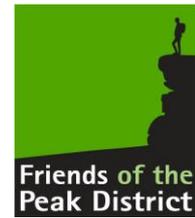


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## 1. Summary

- 1.1 The appeal concerns a site that was rejected as a Local Plan allocation, the appellant having promoted it as an omission site to the Public Examination. The Local Plan Inspector was unconvinced that the site could be developed without significant landscape harm. The Inspector based his view on the Landscape and Visual Impact Assessment (Wardell Armstrong) as well as his own observations.
- 1.2 The application for 120 dwellings was refused by High Peak's Development Management Committee in line with officer recommendation, on the grounds that it would cause an unacceptable intrusion of built environment into open countryside. This conclusion was informed by a site assessment and public consultation, with reference to an illustrative masterplan.
- 1.3 Instead of seeking to directly address the reasons for refusal, thereby demonstrating the acceptability of their proposals, the appellant's case can be characterised as pursuing four aims:
- To re-open and challenge the established evidence that informed Local Plan policies, as well as challenge the contribution that adopted site allocations make to the five-year housing land supply, thereby seeking to reduce the weight attributable to the Local Plan policies when determining the appeal;
  - To put forward an interpretation of the Local Plan - particularly policy H1 - that is plainly at odds with how the Plan intends unallocated sites in the countryside should be treated;
  - To suggest that intrusion into the countryside is inevitable and justifiable, and introduce a new proposition of a possible improvement to settlement edge at the rear of Carr Road and the townscape of Buxton;
  - To downplay the value of the landscape that would be harmed, suggesting if land is not within the boundary of a National Park, or other landscape designation then it cannot be considered a "Valued Landscape".



1.4 The keystone of our submission is that a proposal for major development (recently revised to 100 dwellings) on an unallocated site outside the settlement boundary must actively demonstrate that it would constitute sustainable development. This sets, in effect, a more stringent test for proposals on unallocated sites than allocated ones, because the principle that allocated sites can deliver sustainable development is embedded in their allocation.

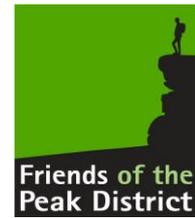
1.5 Instead of seeking to pass this test, we contend that the appellant has merely submitted evidence which attempts to lower the bar. This cannot reasonably be characterised as pursuing the principles of sustainable development.

1.6 Consequently it remains our strongly held position that the appeal scheme does not constitute sustainable development when considered against both the adopted Local Plan and against NPPF policies. We therefore ask the Inspector to dismiss the appeal and refuse planning permission.

## 2. Introduction

2.1 The members of the community who attended the Inquiry brought with them an important life lesson, that what has been allowed to happen in the past is a reliable indicator of what will happen in the future. Consequently, they can predict with reasonable confidence that, for example:

- Building more homes in an area that is not pedestrian-friendly, and is not well-served by public transport, will reinforce car-dependency;
- Urban sprawl happens incrementally, as each new site is justified by its abutting the previous one;
- When a major housebuilder has a site rejected for development at the local plan stage, they will tend to make repeated speculative applications to overturn that rejection, irrespective of material considerations.



2.2 Friends of the Peak District has worked with many local communities, so we know that, if the site were to be developed, the new householders would be warmly welcomed into the community. It is deeply wrong to characterise local people who seek to protect the environmental and landscape qualities of the area they hold dear, for themselves and for future residents, as being opposed to the provision of homes for those who need them and who aspire to Buxton's quality of life.

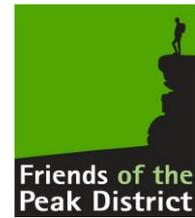
2.3 The growth that Buxton aspires to between now and 2031, and the sites for large developments needed to accommodate that growth, are set out in the adopted Local Plan.

### 3. The Site

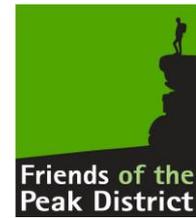
3.1 In the Inquiry, we have heard that the site is highly valued by the community, but also that it does not enjoy the protection of its landscape that it would do if it were inside the National Park. Mr Robinson, for the Appellant, took the contrary view that the site only accrues landscape value from the foregrounding it gives to other, more distinctive features, such as the Terret. But we have also heard from the community that the site's walls and drainage features give precious reference points to the backstory of Burbage.

3.2 We may therefore form the opinion, not controversially, that the site is unusual.

3.3 Ms Copley's and Mr Ryder's evidence showed that the site's location is pivotal, as it is at the transition point between multiple landscape types. Mr Robinson's evidence sought to challenge this point: his proof (para 13.6) refers to "*...officers of the LPA asserting that the site, although in a landscape character type called "Settled Valley Pastures", had more in common with the landscape character type "Moorland Fringe". This was offered without any evidence to support it in the Report to the DCC on the application and it must have misled the committee. The landscape character assessment that designated these character types is The Landscape Character of Derbyshire and this is recognised as an SPD in the HPBC Local Plan. That the LPA should simply deviate from its assessment is deplorable.*"



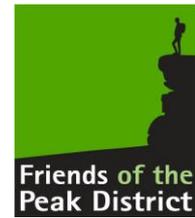
- 3.4 Yet, in complete contradiction, Mr Robinson’s Examination-in-Chief set great store by the merits of the comments of Peak District National Park on the planning application. These comments (CD1.27) include the following observation:
- “The site has been identified in the landscape strategy as being within the South West Peak and in particular the slopes and valleys with woodland for the National Park, however the site has similar characteristics to the adjacent moorland hills and ridges which are more open and less wooded, with boundaries that are stone rather than hedges.”*
- 3.5 It is therefore evident that the PDNPA officers, High Peak officers, Mr Ryder and Ms Copley all recognise the transitional nature of the landscape character. Mr Robinson alone portrays this pragmatic, site-specific recognition as a deviation from approved methodology.
- 3.6 The site has a very distinctive appearance. Its bowl shape is framed by recent development to the north and the busy roads on the southern and eastern sides, which loom down upon it. It is full of traditional, rural features, particular the dry stone wall field enclosures and the solitary sycamore tree; but it also has unusual features, especially the Rushy Gutter. Its appearance is also marred by the poor quality boundary of the Carr Road development.
- 3.7 The site is also very unusual for the locality because, as we explored with Mr Robinson (though he did not concede all these points), it is effectively the only part of the immediate landscape that lends itself to day-to-day, incidental use, such as for a short walk/dog walk or for seasonal sledging. By contrast, experiencing the surrounding landscapes that flow into the National Park, as well as Buxton Country Park, requires more time and are more of a planned adventure.



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#### 4. The Scheme

- 4.1 The Inquiry was asked to consider an amended scheme, compared to that for which planning permission was refused. We have learned that Mr Robinson was instructed in Spring 2018, and that he took a dim view of the original scheme. The amended scheme appears to have been formulated in April 2018. Drawing SEC\_01 is dated 25/04/18, and we were informed that the drawing does not record subsequent revisions, but we have no way to corroborate that. Yet the amended scheme was only introduced to the appeal two days before the deadline for proofs of evidence on 25/03/19. It is unclear what was happening in the intervening eleven months.
- 4.2 What we do know is that the appellant launched their own consultation process on the amended plans, which resulted in a flurry of responses, some to the appellant and some to the Planning Inspectorate. To our knowledge there were no responses received from statutory consultees. However, we would only expect statutory consultees to respond to the Local Planning Authority when requested to do so within a statutory consultation process. Therefore, it was incorrect of Mr Robinson (in re-examination) to surmise that the lack of reply to the appellant's consultation from Peak District National Park Authority (PDNPA) might be regarded as tacit support for the amended scheme.
- 4.3 Both Mr Lee and Mr Robinson made great play of the notion that PDNPA's view of the proposal should be afforded 'great weight', because they are a statutory consultee. As we explored in our cross-examination of Mr Lee (though Mr Lee did not concede), this argument does not stand up to scrutiny as a basis to support the proposal, for the following reasons.
- 4.4 PDNPA considered that residential development of the site could be achieved, in principle, which did not harm the National Park. It cannot be inferred from this that the landscape impact of the proposal would be acceptable, because it makes no reference to the impact on the non-designated landscape within which the site sits.
- 4.5 PDNPA also considered that a full application along the lines of the original illustrative



masterplan would harm the National Park and that they would object to such a proposal.

4.6 There has not been a statutory consultation on the amended plans, so we have no way of knowing what PDNPA's view of the revised scheme would be.

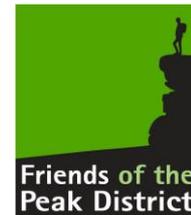
4.7 It is therefore our position that, whilst it would be correct to attribute great weight to an objection made by a statutory consultee - in this case if PDNPA objected on the grounds of harm to the National Park - there is no basis to conclude that their non-objection to impacts outside their statutory jurisdiction should carry any weight.

## 5. **Betterment**

5.1 Two aspects of the appeal scheme were put forward as potential betterment: the highway re-alignment and the mitigation/enhancement of the existing settlement edge. Having listened to the evidence, it remains our position that these measures do not make the development acceptable.

5.2 Whilst any road safety improvement should be encouraged in principle, no evidence was submitted that the A53/A54 junction is prone to accidents, nor that the Highway Authority see any improvement here as a priority. Indeed, the Highway Authority's consultation response finds that the proposals would comply with current design guidance, but we cannot infer from this that the works would definitively constitute a net improvement to safety or congestion. Essentially, what is proposed is a scheme to introduce a site access close to a major junction, without causing negative impact on highway safety. That may be deemed acceptable in and of itself, but in our view does not constitute betterment.

5.3 We asked Mr Lee in cross-examination if the highway measures had been fully costed, and if these costs might impact on the viability calculation for affordable housing provision. He did not know. In the light of this we have no confidence that any future reserved matters application would not propose a change to conditions to reduce the



affordable housing provision to below the 30% target. A greenfield development that could not meet the affordable housing target in full would not, in our view, be acceptable.

5.4 On the question of improving the Carr Road edge, Mr Robinson accepted in our cross-examination that developing 100 houses on this site, with the associated impacts, would be ‘using a sledgehammer to crack a nut’ were it not for the benefit that the scheme would also deliver in providing homes. We return later in this closing submission to the point that the appellant’s proposed enhancement to the settlement edge is presented in townscape terms, but does not, in fact, address the user experience of the Carr Road edge.

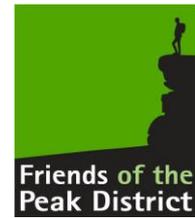
5.5 We therefore conclude that the merits of the proposed betterments have not been adequately justified, that the need for them has not been established, and they would not, in any case, make the scheme acceptable in principle.

## 6. Landscape, townscape, and user experience

6.1 At this point it is worth returning to the reason for refusal:

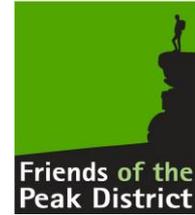
*“The proposed development would be a prominent, visual intrusion into the landscape which fails to respect local landscape character and would fail to protect and enhance a valued landscape. The development would result in an undesirable encroachment into the open countryside, outside of the built up area boundary for Buxton. As such the development would erode the visual appearance and character of the open countryside...”*

6.2 Mr Ryder and Ms Copley both submitted evidence to support the points within this reason for refusal. The appellant, with Mr Robinson’s evidence, adopted a different philosophical basis, namely that a degree of encroachment would be an inevitable consequence of a development that they consider to be necessary. Mr Robinson sought to embellish this argument by suggesting that change from one, rural landscape type to another, urban landscape type does not, by default, constitute harm. Mr Robinson went



on to suggest that a result of the development would be an enhancement to the townscape at the edge of Buxton. In our view, the appellant's approach contains a couple of red herrings when considering the appeal scheme.

- 6.3 Firstly, it is only the appellant who considers the development to be necessary, and for landscape change to therefore be inevitable. The other parties do not accept this premise.
- 6.4 Secondly, the possibility that the appeal scheme may be better as a piece of townscape than the adjacent townscape is not at issue. The Carr Road estate is highly generic, and there is no reason to challenge Mr Robinson's assertion that a scheme for the appeal site *could* be well-designed in townscape terms.
- 6.5 What is at issue, of course, is the net impact on the landscape character of the site and its surroundings. We have already dealt with the matter of how the site is valued as a non-designated landscape by the local community. Mr Robinson accepted in our cross-examination that the scheme would result in loss of a significant proportion of the 'Small Regular Fields' landscape character type within the Derbyshire Historic Landscape Characterisation (Mr Ryder's appendices Fig 12). He also agreed that the recreational value of the site was medium/high with regard to its wider context (Mr Ryder's proof p60).
- 6.6 Mr Cannock explored in detail the effects of the site's unusual topography on the likely appearance and experience of a development, and also the evident need for substantial remodelling of the topography to enable the highway realignment and access road.
- 6.7 Mr Robinson also fully accepted that there were some viewpoints from which the landscape impact of the appeal scheme would be permanent and adverse.
- 6.8 In our view, the only reasonable conclusion of this evidence is that a series of adverse landscape impacts would be an unavoidable consequence of the appeal scheme going ahead, and that there is no doubt at all it would erode the visual appearance and



character of the open countryside. To the extent that landscape *change* is an inevitable consequence of any greenfield development, we make two submissions:

- Firstly, the degree of change from rural to urban landscape types is a strategic decision that rests with the Local Plan;
- Secondly, the prominent position and unusual shape of the site, plus the dependence of site access on very heavy engineering and re-modelling, mean that the landscape impact of developing this site is relatively high when compared to other greenfield sites in High Peak.

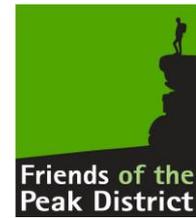
6.9 In our view this is why the Local Plan was correct to reject the site for allocation, and why it should remain undeveloped.

## 7. Sustainable Development

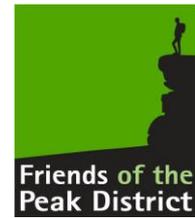
7.1 Mr Banner, cross-examining Ms Copley, suggested that it was not realistic to challenge the sustainability of the site (at least in terms of travel accessibility and walkability) when there were other, allocated sites in Buxton that were a comparable distance from the town centre. However, Ms Copley and Mr Lee both agreed with the following proposition we put to them:

- For allocated sites, we must presume that their sustainability in principle has been established through the Local Plan process, whereas unallocated sites must prove their sustainability credentials from scratch.

7.2 We asked Mr Lee if this meant unallocated sites must pass a higher bar than allocated sites. Mr Lee suggested the bar was no higher than for any other application, because High Peak's sustainability checklist asks the same questions of all schemes. However, this emphasises our point that for unallocated sites outside the built-up area boundaries, they cannot rely on the Local Plan evidence base because they have not been tested against it.



- 7.3 Ms Copley stated that the relevant measures of sustainability at development management stage would be:
- Consistency with Local Plan policies;
  - Consistency with NPPF/NPPG;
  - For unallocated sites being considered against Policy H1, then all four H1 tests.
- 7.4 The Inquiry proceedings have clarified, in our view, that the large size of the site disqualifies it for consideration against H1; but in any case it fails against between one and three tests. Consequently, in practice, this does mean that the appeal scheme would have to go to greater lengths to demonstrate that it would result in sustainable development than allocated sites would do.
- 7.5 Mr Lee did not concede the site's inaccessibility under cross-examination, and took the view that our 'fresh produce test' (the site requiring a one hour round trip on foot to buy fresh produce) was too specific. We maintain that the Transport Assessment's conclusions do not stand up to scrutiny. For walking to be a realistic mode of transport (or an opportunity), the walk must be useful, and easy access to fresh produce is a simple litmus test for that. We raised with Ms Copley the issue of round trips that effectively double the walking times set out in the Transport Assessment. Mr Banner was dismissive of this, but the infrequency of local bus services is such that unless one hired a taxi, one would be forced to walk there and back.
- 7.6 We suggested to Mr Lee that the Sustainability Statement had taken on board the Transport Assessment without critique. Mr Lee did not know if this was the case, but in our view the simple pasting in of text (from section 6 of the Transport Assessment to Section 3.2 of the Sustainability Statement) is a compelling indicator that this was not scrutinised.
- 7.7 The Sustainability Statement also takes a position on landscape approach which is contradicted by Mr Robinson's evidence. It stated (p.7):  
*"The landscape setting is also part of the intended character of the development which*



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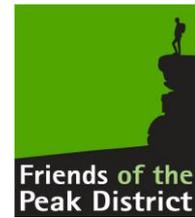
*draws its inspiration from the character of the surrounding landscape and villages...Consideration of the visual impact on the surrounding landscape has been informed by the supporting Landscape and Visual Impact Assessment and incorporated into the proposals...A best practice approach has been taken to identify the key principles with regard to design and appearance..."*

7.8 This commentary was made on the original submitted plans. Mr Robinson was unequivocal in his Examination-in-Chief that those submitted plans were of poor quality and not properly informed by the setting. We put it to Mr Lee that because the appellant relies on Mr Robinson's evidence to justify the appeal scheme in landscape terms, we can infer that the appellant no longer agrees with the findings of their own Sustainability Statement.

7.9 On this basis we consider the Sustainability Statement to be flawed, out of date and not robust. Mr Lee suggested that the improved scheme as per Mr Robinson would produce a better result against the Sustainability Checklist, but Mr Lee's view is not based on any robust evidence. Land use, landscape, heritage, scheme layout, travel and transport, energy efficiency, renewable energy, pollution control, waste management, water management, biodiversity and open space, are all key ingredients of a sustainable scheme. Our cross-examination of Mr Lee led us to conclude that the Sustainability Statement has not properly critiqued those ingredients, especially the travel and transport one, and is therefore not credible.

## 8. Pedestrian Experience and Permeability

During the Inquiry, in examining Ms Copley, and in our improvement to the proposed conditions, we established that pedestrian permeability through the site, and the pedestrian experience, are fundamental to considering the sustainability and the acceptability of the appeal scheme. This issue can be broken down into two sub-headings which we will address in turn.



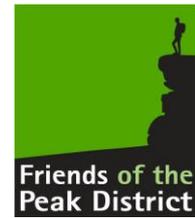
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8.1 Permeability with the Carr Road estate

Pedestrian connections on the revised illustrative masterplan are unclear, and it remains unclear which links out of the site are rights of way (PROWs). We, along with local residents, drew attention to a gap towards the eastern end of Carr Road, which contains some trees, and is adjacent to the proposed open space on the illustrative masterplan that incorporates the solitary sycamore. Whilst there is some uncertainty, this gap land is believed to remain in the ownership of the builder of the Carr Road estate.

8.2 Irrespective of the questions before this Inquiry about the need for additional homes in Burbage, about landscape impact and about interpretation of policy, a strong degree of pedestrian permeability between Carr Road is, in our view, non-negotiable requirement. If the appeal were upheld and a scheme were to go ahead, its successful integration into the community would hinge strongly on direct interconnections to the adjacent neighbourhood. In particular, the illustrative masterplan proposes a play area, so a wheelchair/pushchair-friendly route directly through to that play area from Carr Road would greatly help to generate day-to-day interactions between residents of the two schemes.

8.3 There is insufficient evidence that this matter has been given consideration in the application and the preparation of the illustrative masterplan. We are pleased that the Appellant and Council both accepted the need to address this important issue through the proposed conditions, though we must reiterate that we regard integration of the 'sycamore' open space with the Carr Road gap we have referred to as crucial. To the extent that land ownership of the Carr Road gap may be uncertain, in our view this matter must be resolved before any outline permission could be granted, since it would have a make-or-break effect on the acceptability of any reserved matters scheme, all other issues notwithstanding.

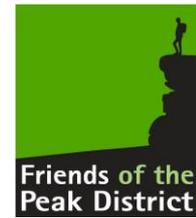


#### 8.4 Experience of the Rights of Way

The appellant has sought to emphasise the opportunity for the appeal scheme to improve the edge of the townscape, compared to the existing Carr Road rear boundary. Whilst Mr Robinson took the position that the appeal scheme might have a positive landscape impact from some viewpoints, due to the improvement of this edge, he fully accepted that the impact would be wholly negative from those viewpoints on the footpath, due to the obliteration of views of anything other than immediate houses. Clearly, this also means that the user experience on the right of way along the northern boundary of the site would also be dramatically, negatively impacted.

8.5 Mr Ryder's proof noted the need, in any case, for landscape improvements along the Carr Road boundary. It remains unclear to the Inquiry how much improvement can still be expected through the mitigation conditions for the Carr Road development. The revised illustrative masterplan shows the boundaries of new houses hard against the footpath. It is our position that the appeal scheme could not legitimately be argued to improve the Carr Road edge unless it also achieved this improvement for the purposes of those experiencing it at close quarters, on the footpath. At the very least, this would require a substantial landscape buffer through which the footpath would run and interconnecting with the proposed open spaces in the appeal scheme. This would inevitably reduce the developable area of the appeal site, and the appellant has provided no evidence to suggest that they have considered it as an option.

8.6 We also cross-examined Mr Robinson on the scheme's impact on the Buxton Ring of Trees Walk. This circular walk is important to the recreational experience of the countryside immediately around the edges of Buxton, and we put it to Mr Robinson that the scheme would be an urbanising intervention in that experience. He made no reference to it in his proof or opening, but when asked, he indicated that walkers might pass through the Rushy Gutter open space (proposed) and then join a new footpath skirting the southern side of the built edge. However, this path (not shown on the illustrative masterplan) would self-evidently cross the estate road more than once, and would then require walkers to contour along the steep embankment between the new



houses and the re-aligned main road. We cannot see how this could be in any way considered an acceptable solution for this recreational experience of the site, and consequently this impact would remain wholly, permanently adverse.

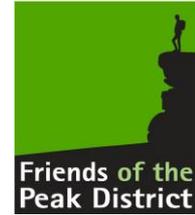
## 9. Built-up Area Boundary

9.1 The appellant sought to draw a distinction between land that was wholly beyond the built-up area boundary, and land that was adjacent to that boundary. It is self-evident from the Local Plan that there is no such distinction. Land outside the boundary is in the countryside for the purposes of Local Plan policies S2, S3 and EQ3. There are no exceptions to this. In examining Ms Copley, we explored the importance of the boundary in the appeal site location, by showing the degree to which Buxton has already sprawled along Leek Road towards the Peak District, and how the built-up area boundary guards against the closing up of a pinch-point between Buxton town and the National Park.

9.2 The provisions of Policy H1 are clearly not exceptions to S2, S3 or EQ3. H1 does not state that sites adjoining the boundary are in any way different in terms of the way they should be assessed against other policies in the Plan. Rather, H1 sets out additional criteria against which an unallocated 'small' (less than 20 dwellings) site outside the built-up area boundaries should be tested before being considered for planning permission.

9.3 In other words, there is a simple and unequivocal flow of policy tests for any residential planning application outside the built-up area boundary:

- S2 establishes that the site is in "other rural areas" and that EQ3 therefore applies;
- EQ3 establishes that development will be "strictly controlled in order to protect the landscape's intrinsic character and distinctiveness";
- S3 establishes that housing supply "will be met from large sites allocated in policy H2 and in the Chapel-en-le-Frith Neighbourhood Plan and from small sites



which accord with policy H1”;

- H1 sets out the additional criteria against which those small sites should be tested - of which one is they should adjoin the built-up area.

9.4 It is abundantly clear that:

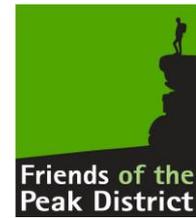
- there is no provision whatsoever in the Local Plan for rural sites adjoining the built-up area boundary to be treated differently from other rural sites when considering general residential planning applications;
- H1 is a policy that provides flexibility to the Council to support the delivery of adequate housing land supply, in addition to allocated sites over the plan period, but it applies only to exceptional needs and to small sites for less than 20 dwellings, specifically to small sites as set out in S3.

9.5 These are points of fact about the Local Plan policies and the status of the built-up area boundary, and are not open to interpretation. Mr Banner and Mr Lee for the appellant sought to open up a channel for interpretation, and in effect to create an additional category of sites, namely, ‘rural sites adjoining built-up areas’. In our view this is simply a red herring. Mr Banner’s opening statement (para 3) stated that “Development is regulated by Policy H1 to avoid a development free for all”. As Ms Copley observed in her Examination-in-Chief, the interpretation of H1 advanced by the appellant would generate exactly that free-for-all, and would render built-up area boundaries meaningless as a policy instrument.

9.6 These same points were well covered by Mr Cannock.

## 10. Status of the Local Plan

10.1 We have not given evidence on the matter of five-year housing land supply, but we consider the appeal scheme falls well short of qualifying as sustainable development when judged against NPPF, such that with a ‘tilted balance’ the reason for refusal would hold fast.



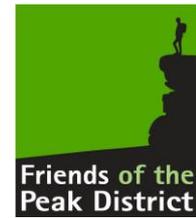
10.2 In attributing weight to Local Plan policies in the event of a tilted balance, we would draw the Inspector’s attention to the wording of Policy EQ3, that development is “strictly controlled in order to protect the landscape’s intrinsic character and distinctiveness”. In other words, there is a specific, positive purpose to controlling development in the countryside, namely to protect what is in the countryside. The landscape’s intrinsic character and distinctiveness is a social good, from which existing and future residents of Buxton should be able to benefit.

10.3 Mr Cannock examined the evidence of Mr McCorquodale, on housing land supply, showing that the Council has is performing well against the housing trajectory in the Local Plan. Tested against the Housing Delivery Test in NPPF we believe there is a robust five-year supply.

Mr Lee’s evidence made a rather perverse interpretation of the findings of the Local Plan Inspector’s Report. With reference to the appeal site, that report (para 264) finds that *“it is not possible to be confident as to whether there is an acceptable and viable amount or extent of development here that would not harm the landscape or ecological interests. In that context, the plan is not unsound by omitting the site.”*

10.4 The meaning of this paragraph was explored several times during the Inquiry. In reality, it is reasonably unambiguous. In the first sentence, the Local Plan Inspector states that he has not seen evidence of a scheme that would not harm the landscape, but does not preclude the possibility that such a scheme might be found. In the second sentence, he says that in the absence of evidence to support an acceptable scheme, and in considering the soundness of a draft Local Plan which omits the scheme, he sees no justification for requiring a modification to allocate the site. The Plan is sound without the site.

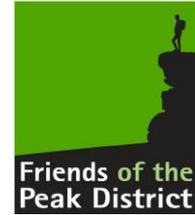
10.5 Mr Lee, including under our cross-examination, suggested that this meant the Plan would also have been found sound had the site been allocated. This might indeed have been the case, but Mr Lee’s suggestion is of course pure conjecture, and is therefore



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immaterial.

- 10.6 The appellant also sought to challenge the evidence base for the Local Plan, specifically Wardell Armstrong’s Landscape Impact Assessment, and therefore to suggest that the Local Plan was wrong not to have allocated the site. Again, this is immaterial. The Local Plan was found sound and adopted, meaning that that Inspector found it to be justified by the available evidence. That Inspector critiqued that evidence using the representations submitted to him, and also his own observations.
- 10.7 The fact that the appellant does not agree with Wardell Armstrong’s conclusion that the appeal site is “not suitable for development in landscape terms” is no more relevant to this Inquiry than the fact that Friends of the Peak District do not agree that the Burlow Road, Harpur Hill development should have been granted planning permission. They are unrelated. The appellant is entitled to submit evidence that the site is suitable in landscape terms, and has done so, but questioning the merits of the adopted Local Plan and its evidence base can only be aimed towards showing that the Local Plan was wrong to omit the site. That is not the purpose of this appeal, and in our view this Inspector should give no weight to criticisms of the Local Plan and its evidence base.
- 10.8 Our final submission on the status of the Local Plan returns to a question Mr Banner raised with Roger Floyd’s third party evidence (Green Holm Community Group). Mr Banner asked if Mr Floyd thought it fair of his Group to take a stance which would prevent new families from joining the community. Similarly, during our cross-examination, Mr Robinson suggested that the landscape impacts of the appeal scheme should be balanced against the need for homes in the area.
- 10.9 Yet during our cross-examination, Mr Lee accepted that the Local Plan’s site allocations are the Council’s principle vehicle for delivering the development needs identified over the Plan Period to 2031, and accepted that allocated sites were the sites the community expected to be developed, having participated in the Local Plan process.
- 10.10 In this context, and given the appellant’s position on the five-year housing land supply,



it is important to consider the process by which the Local Plan site allocations are adopted. From a larger pool of possible sites (ie the SHLAA) the sites are selected for allocation which give the best fit between meeting development needs in a numerical sense, and being most suitable in a spatial sense. That process takes into consideration key policy objectives including, amongst others, making efficient use of land and avoiding adverse landscape impacts. The resulting proposed allocations are subjected to wide public scrutiny and consideration by the Local Plan Inspector.

10.11 As a result of that detailed process, in High Peak, the Local Plan Inspector determined that the housing needs over the plan period could be met without the inclusion of the appeal site as an allocation, and was not persuaded that the site could be developed without undue landscape harm.

10.12 We submit, therefore, that it is unreasonable to suggest that refusing planning permission of the appeal scheme would compromise the meeting of housing needs in the Borough. Clearly, building homes will supply homes, in a quantitative sense. But on this site, the opportunity to supply homes is significantly outweighed by the adverse impacts of developing the site, and in our view the sustainability credentials of the resulting homes have not been adequately demonstrated. NPPF and the Local Plan both commit to sustainable development as the key underpinning principle.

## 11. Conclusion

The examination of evidence during this Inquiry has further strengthened our view that there is not a credible, acceptable and sustainable way to develop this site for residential use, and that the Council were correct to refuse the application. We ask the Inspector to dismiss the appeal.