
Appeal Decision

Site visit made on 7 September 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 19 September 2016

Appeal Ref: APP/E2340/W/16/3153165

Field No. 6891 Ridge Lane, Roughlee BB12 9LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Claire Bythell against the decision of Pendle Borough Council.
 - The application Ref 13/16/0027P, dated 25 January 2016, was refused by notice dated 14 March 2016.
 - The development proposed is the erection of two storey detached dwelling with associated curtilage and a new vehicular access from Ridge Lane.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey detached dwelling with associated curtilage and new vehicular access from Ridge Lane at Field No. 6891 Ridge Lane, Roughlee BB12 9LH in accordance with the terms of the application, Ref 13/16/0027P, dated 25 January 2016, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issue is the effect of the proposed dwelling on the character and appearance of the surrounding countryside, having particular regard to the location of the site within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site is situated at the junction of Ridge Lane and Blacko Bar Road approximately 100 metres south west of the village of Roughlee which lies within the AONB and beyond White Hough water. A detached pitched roof garage and associated hardstanding are towards the front of the appeal site. Semi-mature trees line the boundaries of the appeal site.
 4. The site is adjacent to Yate House which is constructed from stone and render. Yate House is sited on the northern side of Blacko Bar Road, with Barley New Road and Jinny Lane extending to the north west and west respectively. Residential dwellings, holiday lets and farmsteads intermittently populate either side of Barley New Road. They use a mix of stone and render. Opposite the appeal site on Ridge Lane is a bus stop. The site lies within an attractive and scenic valley, with rounded profiles of ridge tops to the north, west and south. Land near to the appeal site is used for pasture. Stone walls, hedgerows and trees delineate field boundaries.
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5. Paragraph 115 of The Framework, states that “great weight should be given to conserving landscape and scenic beauty in national Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.” To this end, The Forest of Bowland Area of Outstanding Natural Beauty Landscape Character Assessment (LCA) identifies the site as being within ‘Type N Farmed Ridges’ whilst the adjacent Yate House as being within ‘Type M Forestry and Reservoir’.
6. The existing garage would be retained forward of the proposed dwelling which would be set back considerably from Yate House. Even though the parties recognise the site’s historic use, it is not for me, under a section 78 appeal, to determine whether or not this amounts to previously developed land. To that end it is open to the appellant to apply for a determination under sections 191/192 of the Act and my determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of the appeal. In any event, the Framework does not prohibit the use of land that is not previously developed land.
7. The Forest of Bowland AONB Supplementary Planning Guidance (SPG) seeks to direct the majority of new dwellings in an existing settlement. Paragraph 55 of the Framework seeks to “avoid new isolated homes in the countryside”. In this regard, the Council consider the proposal would increase the built form and visual impact of the isolated dwelling of Yate House and that the development would not be located near to an existing built up area.
8. Due to the site’s location, especially at the junction and on approach from Roughlee, the proposed dwelling would be sited in a prominent position. Nevertheless it would be viewed in conjunction with Yate House, the development along Barley New Road and intermittent properties adjacent to open countryside on Jinny Lane and Ridge Lane. Moreover, the appeal site is within walking distance of Roughlee, despite the position of the settlement boundary and it is served by a bus service.
9. Despite the Council’s view, I do not consider the house would be isolated from nearby dwellings or the settlement of Roughlee, despite it being in a prominent position. I also recognise the availability of public transport and although the Council expresses a different view to the findings in the Croft Barn¹ appeal decision, I consider the proposal would not be a new isolated home.
10. The proposal would add to the built form and appear as part of the landscape, however due to the proposed orientation, scale and design of the house, it would, ensure it would reflect the linear pattern of development that is found locally and identified as a key characteristic in the LCA. Also, by setting the dwelling away from Ridge Lane and Yate House, when viewed from the north, the proposal would be heavily screened by nearby dwellings and mature trees. I recognise tree cover would not be consistent throughout the year and the replacement planting would take time to mature. However, I do not consider the proposal’s visibility, in particular during the winter months would prevent panoramic views or a sense of openness from being maintained. Accordingly the proposal would not be a dominant form of development that would cause significant harm to the AONB, given that it would also be grouped with, and reflect the materials used locally. For these reasons, the proposal would conserve and enhance the character and scenic beauty of the AONB.

¹ Appeal Ref: APP/E2340/A/14/2228897

11. Even though the SPG pre-dates the Framework and its paragraph 55, a view is expressed by the Council that the proposal is contrary to the SPG in terms of a valid local need. I shall now explore the parties' evidence in this regard.
12. The appellant and her family live locally and have done so for a considerable period of time, beyond the three years required by the SPG. They currently rent a three bedroom house and rely on turning the living room into a fourth bedroom. The appellant asserts that they would be unable to afford a suitably sized house locally to support their three children, unless they are able to build on the appeal site which has been in the family. It is also put that houses in the area don't come to market very often.
13. The SPG is clear in that policy must allow for individual housing to meet the needs of local people. A valid need is someone who cannot find suitable accommodation and where there are no vacant properties of the required size/type or where existing dwellings are too expensive. The parties have provided details of property listings in the area.
14. Of the Council's evidence, all bar one are three bedroomed properties, which would not resolve the family's living arrangements. I do not consider it reasonable to expect a family of five to move to a similar sized property, notwithstanding the Council's point that a bedroom could be shared by two of the children. Even though the appellant's evidence puts the cheapest four bedroom house at roughly £325,000, nearby Fence may offer a 4 bedroom house at a lower price of £235,000. Still, the cost of the properties presented by the parties in Fence are considerably beyond the appellant's budget of £160,000 and there is no guarantee that the appellant would be able to secure and afford a mortgage to cover a property in Fence or in the nearby area.
15. Notwithstanding points made regarding affordable housing, Annex 2 of the Framework clearly sets out the remit of this. Based on the evidence before me, I consider the appellant has reasonably demonstrated a valid need in accordance with the SPG.
16. As the Council accept the Boothman Wood² appeal decision is not a directly comparable development to the scheme before me. Moreover, I am not convinced my reasoning on this issue would lead to a precedent being set, given any future housing sites would be assessed on their own merits in relation to their surroundings and based on supporting evidence in respect of a valid need.
17. I also attach weight to the Burnley and Pendle Strategic Housing Market Assessment which points to 75.1% of existing households being unable to buy in the Pendle Rural Areas. The Council does not dispute this point and they recognise the need to significantly boost the supply of housing in tune with paragraph 47 and that for the purposes of paragraph 49 they are currently unable to identify a five year supply of deliverable housing sites. The proposal would in this regard widen opportunity for home ownership and contribute modestly towards the borough's supply of deliverable homes, as directed by paragraphs 47 and 50 of the Framework. This would be in the interest of the local population.

² Appeal Ref: APP/E2340/A/12/2186941

18. However, the borough's supply of housing is not a decisive factor in the outcome of this appeal, as I consider the proposed dwelling would have an acceptable effect on the character and appearance of the surrounding countryside, having particular regard to the location of the site within the AONB and the need to conserve the landscape and scenic beauty of the AONB. The proposal would comply with Policies ENV1 and ENV2 of the Local Plan for Pendle: Core Strategy, Policy 2 of the Replacement Pendle Local Plan (RPLP), guidance in the SPG and paragraphs 47, 50 and 115 of the Framework. These policies, amongst other things, seek new dwellings to positively contribute to the local identity and character so not to detract from the architectural integrity and scenic beauty of the AONB.

Other Matters

19. Concern is raised with the proposed access being in close proximity to a difficult highway junction. The new access would be sited further away from the junction of Blacko Bar Road and Ridge Lane than the existing access point. Moreover, the proposal includes satisfactory provision of vehicles to enter and leave the site in forward gear and I therefore consider the proposal would not result in adverse highway safety conditions.
20. Whilst the parish council cite issue with Policy 1 of the RPLP, I note the Council have not referred to this policy in the reason for refusal. In any event this RPLP pre-dates the framework which does not specifically restrict development outside of a settlement boundary. Also, in relation to comments on the SPG, the proposal does not relate to farm diversification or tourism.

Conclusion and Conditions

21. I have had regard to the conditions suggested by the Council which cover a variety of matters. I have imposed an approved plans condition, in the interests of certainty. I have also imposed conditions requiring the submission and approval of external materials and replacement landscaping in the interests of preserving the character and appearance of the area and the AONB. Details of foul and surface water drainage are necessary in the interests of the environment given nearby watercourses.
22. Conditions to secure a construction method statement, alterations to the vehicular access points and hardsurfacing are imposed in the interests of highway safety. I have imposed conditions requiring visibility splays to be provided and kept free from vegetation, in the interests of highway safety.
23. Finally, I have imposed conditions restricting permitted development rights for extensions, porches, outbuildings and boundary treatments so that the character and scenic beauty of the AONB is safeguarded and highway safety upheld at the junction of Ridge Lane and Blacko Bar Road.
24. For these reasons, I conclude that the appeal should succeed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 2015/107-01 Rev B, 2015/107-02 Rev B.
- 3) Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, D and E of Part 1 and Class A of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall not at any time in connection with the development hereby permitted be any building, fences, gates, wall, tree or shrub shall be erected or planted within the curtilage of any dwellinghouse at the junction of Ridge Lane and Blacko Bar Road over 1m above road level.

Pre-commencement conditions

- 5) No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority (LPA). The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials and timing of deliveries
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities and road sweeping
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Details of working hours

Construction phase conditions

- 6) Within two weeks of the commencement of the development samples of the external materials to be used in the construction of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. These shall include samples of the proposed materials and finish of the verges, soffits, fascia boards, rainwater goods, walls and roof. The development shall thereafter be carried out in strict accordance with the approved details.
- 7) The existing access immediately at the junction of Ridge Lane with Blacko Bar Road shall be physically and permanently closed and the existing verge/footway and any kerbing of the vehicular crossing shall be reinstated in accordance with Lancashire County Council's specification (concurrent with the

improvement of the second access, proposed as the single point of access/exit to the site).

- 8) A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Pre-occupation conditions

- 9) The development hereby permitted shall not be occupied until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

- 10) Before the dwelling hereby permitted is occupied, the access to be used for vehicular purposes extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, block pavements, or other approved materials.
- 11) The development shall include provision for parking of two vehicles to enter and leave the highway in forward gear. The dwelling hereby approved shall not be occupied unless and until such provisions have been laid out and surfaced in accordance with the approved plan and made available for parking and manoeuvring. The car parking and manoeuvring areas shall thereafter at all times remain free of obstruction and available for parking and manoeuvring purposes.
- 12) Before the development hereby permitted is first occupied, the existing low growing vegetation on the highway frontage of the site to Ridge Lane shall be reduced to and be permanently maintained henceforth at a height not greater than 1m above the crown level of the carriageway of Ridge Lane.
- 13) Before the access is used for vehicular purposes, 45° visibility splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway.