
Appeal Decision

Hearing held on 10 January 2017

Site visit made on 10 January 2017

by Christina Downes BSc DipTP MRTPI

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

Decision date: 17 January 2017

Appeal Ref: APP/Q2371/W/16/3153826

Rossendale Pet Crematorium, Co-operation Street, Crawshawbooth, Lancashire BB4 8AG

- 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 CVS(UK)Ltd against the decision of Lancashire County Council.
 - The application Ref LCC/2015/0106, dated 4 November 2015, was refused by notice dated 20 January 2016.
 - The development proposed is demolition of the existing crematorium, office building and stable block and replacement with new crematorium building.
-

Decision

1. For the reasons given below, the appeal is dismissed.

Procedural matter

2. The third reason for refusal concerned the impact on bats and conflict with Policy 18 of the Rossendale Core Strategy (CS). However, following the submission of further survey information, the council withdrew its objection on this ground.

Reasons

The need for a countryside location

3. The crematorium and cemetery (the site) is on the western valley slope, just outside the urban boundary of Crawshawbooth. There is a single width access that also serves as a public right of way for much of its length. The existing facility comprises two separate single storey buildings. One houses the crematorium and the other the offices, waiting area and chapel. Behind the crematorium is a yard, where there is a further office and an additional cremator. There are also various containers and bins that are used for storage. This includes clinical waste collected from veterinary practices prior to transportation elsewhere for disposal. The cemetery comprises two main areas of open land and, as well as pet burials, it has specific plots available for human interment. The site benefits from planning permissions in 1978, 1993 and 1994. There is no evidence that the existing uses and buildings are unlawful or that the relationship of the site to the urban boundary was ever any different to what it is today.
4. The proposal is to demolish the existing buildings and replace them with a new building that would house the crematorium, offices and clinical waste storage in

one place. Policy 1 in Rossendale Borough Council's Core Strategy (CS) indicates that development should take place within the defined urban boundary unless it has to be located in the countryside. A crematorium is the type of use that could reasonably be located in an urban area. However, there are several relevant factors that lead me to a different conclusion in this particular case. The settlement pattern in this area is dictated by geography and tends to comprise ribbon development along the valley floors and lower slopes. However, in order to achieve adequate dispersal of fumes from a crematorium an elevated position is preferable. In addition, housing and employment uses are often in close proximity in these valley settlements and a crematorium would not be viewed by some residents as a welcome neighbour.

5. It is also relevant that the wider site includes a memorial garden and burial ground. To some extent this operates separately from the crematorium but there is a functional linkage. Whilst not everyone chooses to bury the ashes of their cremated pets here, a proportion do and a part of the cemetery is set aside for this purpose. There is also a memorial wall where a remembrance plaque can be erected and the pet owner can come for a period of quiet reflection. It is difficult to envisage how this attractive green space could be successfully relocated to the urban area. Perhaps most importantly the crematorium and cemetery have operated side by side for many years as a single business. The existence of various planning permissions indicates that the local planning authority thought that this was an acceptable site for the purpose. Whilst planning policy is clearly different now to in the 1970's, there is no evidence to show that countryside policy at that time was other than constrained. There is no reason to doubt that the facility is well-known and valued both locally and further afield and that it would not be efficient or practical to locate the crematorium in a different place to the cemetery.
6. Taking all of these factors into account I consider that in this case the crematorium does have to be located in the countryside. However, policy 1 has various other criteria that need to be met, including a requirement to enhance and protect the countryside. This is a matter to which I now turn.

Effect on the character and appearance of the area

7. The new building would be on the northern part of the site on rising ground beyond the existing office building. Although the site extends down close to the settlement edge, the area proposed for the new building is rural in character, relatively open and prominent due to its elevation. At the front is a wooden stable, which would be removed. The building would be cut into the slope so that it would be two storeys in height at the front and single storey at the back. Its footprint would be some 75% larger than the existing three buildings and the submitted plan shows that it would be 40 metres in depth, 15 metres in width with a pitched roof rising to some 9 metres in height at the front.
8. It seems to me that this would be a substantial sized building on higher ground that is clearly beyond the main developed part of the existing site. Whilst the front part would stand on the footprint of the existing stable, it would mainly occupy greenfield land. The construction would project back a considerable distance into the countryside. Even though the rear part would be built into the slope, overall it would be an imposing structure which, in my opinion would have a decidedly industrial appearance. This visual impression would be reinforced by the 4 chimneys, which would be significant features that would

project a further 3 metres above the ridge. There seemed to be some uncertainty on the part of the appellant as to the number and height of the chimneys that would eventually be required. However they are shown on the submitted elevations as an integral part of the overall development. It would not be reasonable to assume that a less harmful solution could be secured through a planning condition.

9. I did not visit the eastern side of the valley although I was told that the land proposed for development can be seen from the upper slopes. From where the new building would stand, the urban area is visible as it extends up the opposite valley side. It therefore seems reasonable that there would be views back in the other direction. It is appreciated that mature trees would have some screening function, especially in the summer months, and that there would be the benefit of distance. However, I have little doubt that the new building would be apparent in longer views and that it would be seen as an intrusion into the countryside at this point. The prominent elongated roofscape and the chimneys in particular would act as a reference point and draw the eye to what seems to me would be an unexpected form of development in this rural location.
10. The building would be clearly evident from the public right of way that passes the proposed site and runs in a westerly direction up the valley side and out into the countryside. Although this path did not seem to be clearly defined or well-trodden at the time of my visit that may have been due to the time of year. Those walking along this route would certainly experience a substantial change and the visual impact would be significantly adverse, in my opinion. Sunnybank Farm is a residential property to the north of the site. Whilst the occupiers of this property would experience some change in outlook, the new building would be offset in the view from the front windows. Taking account also of the distance and the intervening vegetation, I am satisfied that there would not be an overbearing visual impact.
11. The appeal proposal would include the removal of the existing buildings and the various containers and bins in the yard adjoining the crematorium. These are not particularly attractive but they are relatively unobtrusive and low key and, apart from the stable, they stand on lower parts of the site. The visual benefits would therefore be limited, in my opinion. It is also to be noted that the yard itself would be retained for the parking of the vehicles used for collection and distribution. There would be scope for some landscaping around the new building but, taking account of the parking and turning areas and the access driveway, this would be limited. In the circumstances these are not factors that would mitigate the harm that I have identified as arising from the appeal scheme.
12. For all of the above reasons it is concluded that the proposed development would have a harmful effect on the character and appearance of the rural area. Policy 1 in the CS states that development that has to be located in the countryside should enhance and protect it, amongst other things. Policies 23 and 24 seek to ensure that local context is respected and that development is compatible with its surroundings. Policy DM2 in the Joint Lancashire Minerals and Waste Local Plan includes a provision that harmful environmental impacts from minerals and waste developments should be reduced to acceptable levels, with a positive contribution to landscape character. In this case the appeal proposal would not accord with these policy requirements.

13. I appreciate that an agricultural building could be constructed under the scope of permitted development although I am doubtful that a building of the proposed proportions would fall within its provisions. In any event, the local planning authority would have control over siting, design and external appearance through the prior approval regime. The appeal scheme would have a very different appearance from the example given by the appellant of the agricultural development at Ta Top Farm.

Whether the proposal would comprise sustainable development

14. The appeal proposal would allow the office, cremation and clinical waste parts of the business to operate from one building specifically designed for the purpose. The proposal would provide the opportunity for the appellant, who also operates several other pet crematoria and veterinary practices nationwide, to improve existing conditions as well as to grow the business. I was told that the existing crematorium is unable to keep up with demand, especially as pet owners increasingly favour individual cremations rather than communal ones, where there is no segregation of ashes. The new building would house more cremators and would specifically cater for equine cremation, which is a service not currently offered. Furthermore, the facilities for sorting and storing clinical waste would be enhanced. The new building would contain 2 chapels, viewing areas and more spacious reception facilities. The provision of a small canteen would improve working conditions for staff.
15. The business presently has 16, mostly full-time, employees. I was told that they are drawn from the local area. The appellant's projection is for a further 6 full-time jobs and it is understood that these people are also likely to live locally. The evidence suggests that this area does not generally suffer from high levels of unemployment although there is a low skills base and jobs are often poorly paid. Since the demise of textile and footwear manufacturing new investment has been successfully encouraged with a proliferation of small and medium sized businesses. Policy 10 in the CS seeks to encourage the retention and growth of such business uses, including in rural areas. Policy 21 supports the rural economy and the retention and expansion of appropriately sized rural businesses. The proposal would meet these policy objectives.
16. The appellant did not consider that the proposed building could be accommodated elsewhere on the site due to the constraints from the layout of the existing cemetery grounds. It is appreciated that the elevated location would be an advantage in terms of fume dispersal as has been confirmed by the council's environmental health department. On the other hand the existing crematorium operates with the necessary permits and so I do not consider the upper slopes of the site as an essential locational pre-requisite.
17. I was told that if the appeal was unsuccessful the crematorium side of the business may have to be moved to one of the company's other sites, although the existing memorial gardens and burial ground would be retained. Due to the distances involved existing employees may not wish or be able to transfer to the new location. If existing jobs were to be lost this would clearly be a matter of concern and would be a considerable dis-benefit to the local community. The proposal would therefore offer important economic and social benefits, including the potential for job security and growth.
18. The Framework indicates that the purpose of the planning system is the achievement of sustainable development. It establishes that this comprises 3

dimensions – economic, social and environmental – and that these are mutually dependent and should not be considered in isolation. As I have outlined above the scheme would offer important social and economic advantages. However, it would also have a serious environmental cost in terms of its impact on the countryside. Although the existing level of use has been endorsed through the various planning permissions that does not necessarily mean that the site is suitable for growth of the type now being proposed. Whilst recognising social and economic benefits, policy 21 in the CS also requires that strict consideration should be given to the impact of rural development on the countryside. Paragraph 28 of the Framework supports a prosperous rural economy but it also requires taking a positive approach to sustainable new growth. To achieve such growth the environmental role of sustainable development must also be achieved.

19. For all of the reasons given, I do not consider that this particular proposal would be a sustainable form of development. Whilst it would have many advantages, the environmental cost would be unacceptable and it would not accord with the development plan or national planning policy when taken as a whole.
20. The appellant referred to a recent planning permission granted by Rossendale Borough Council for an extension to a nearby industrial development outside the urban area. However this was for a much smaller scheme and, although the employment benefits were clearly important, there was considered to be limited visual impact. There was also a benefit in terms of reduced lorry movement and so the balance of considerations was clearly very different to the appeal proposal. I have taken account of all other matters raised, including those put forward by local objectors and the support for the scheme by the local Member of Parliament. However, I have found nothing to alter my conclusion that the appeal should not succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr S Hartley MRTPI MRICS	Hartley Planning and Development Associates
Mr R Grey	General Manager at Rossendale Pet Crematorium
Mr D Francis	Director of the crematorium division at CVS(UK)Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Hope	Principal Planning Officer at Lancashire County Council
-----------	---

INTERESTED PERSONS:

Ms A Barnes	County Councillor for Rossendale North and Leader of Rossendale Borough Council
Ms N Hopkins MRTPI	Planning Manager at Rossendale Borough Council

DOCUMENTS

- 1 Extract from the Definitive Map of Public Rights of Way
- 2 Letter of support from Mr Jake Berry, Member of Parliament, dated 6 January 2017
- 3 Extracts from the Rossendale Core Strategy, including policies 1, 10 and 21
- 4 Extracts from the Joint Lancashire Minerals and Waste Local Plan Core Strategy, including policies Cs5 and CS9

PLANS

A/1-A/6 Application plans