The Planning Inspectorate

Appeal Decision

Site visits made on 5 December 2016 and 3 January 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 18th January 2017

Appeal Ref: APP/A4710/W/16/3158205
Copley Holme, Cow Side Road, Todmorden, Calderdale OL14 8RR

- 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 Mr and Mrs A Mossman against the decision of Calderdale Metropolitan Borough Council.
- The application Ref16/00255/FUL, dated 24 February 2016, was refused by notice dated 11 May 2016.
- The development proposed is a new build dwelling of sustainable design on a site adjacent to a ruined farmstead. New development proposed to support existing agricultural smallholding use on the site, with proposed new agricultural workshop/garage for machinery store.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has raised a number of concerns regarding the Council's handling of the case including the lack of communication during the application process, and that inadequate consideration was given to various aspects of the application. These are matters that would need to be taken up with the Council in the first instance, and in determining this appeal I have only had regard to the planning merits of the case.

Main Issues

3. The main issues in the appeal are:

   - Whether or not the proposed development contributes to a sustainable pattern of development having regard to its location in the open countryside;
   - The effect of the proposed development on the character and appearance of the area; and
   - Whether or not the proposed development would have an adequate safe access.

Reasons

Sustainable pattern of development

4. The appeal site is situated along an unmade access road that is accessed off Staups Lane. It is in a rural location that comprises mainly upland grazing land

stretching towards moorland beyond. Buildings used for both agricultural and residential purposes are scattered across the landscape, and the village of Blackshaw Head is located to the north.

5. The *Calderdale Unitary Development Plan (adopted August 2006)* (CUDP) designates the countryside in which the appeal site is situated as the "Area Around Todmorden". It is designated as part of the Special Landscape Area (SLA). In order to protect the character and appearance of the "Area Around Todmorden" Policy NE8 of the CUDP seeks to restrain new development unless it meets certain criteria. These include uses necessary for agriculture, forestry or equestrian activity, or any other social and economic uses which have a functional need to locate in the countryside, and the re-use and adaption of existing buildings.

6. A core planning principle of the *National Planning Policy Framework* (the Framework) is to focus significant development in locations which are, or can be made, sustainable. With the aim of promoting sustainable development in rural areas, paragraph 55 directs housing to areas where it will enhance or maintain the vitality of rural communities, and seeks to avoid isolated new houses in the countryside. This is consistent with the policies in the Framework on sustainable modes of transport, and recognising the intrinsic character and beauty of the countryside.

7. However, paragraph 55 of the Framework sets out a number of special circumstances that can justify isolated new dwellings in the countryside. These include: where there is an essential need for a rural worker to live permanently at, or near, their place of work in the countryside; where the development would re-use redundant or disused buildings, and lead to an enhancement of the immediate setting; and the exceptional quality or innovative nature of the design of the dwelling.

8. The site forms part of an agricultural smallholding, and the dwelling and outbuilding are proposed to support this use. However, the application is not specifically for an agricultural workers dwelling. The smallholding extends to around 3.5ha and has a small number of cattle and sheep. The appellant has indicated that the care of the animals requires them to visit the site on a daily basis. Nevertheless, whilst I appreciate that it may be more convenient, there is no evidence to suggest that there is any requirement for a permanent day and night presence on the site. Nor would this be created by the intention to also use the land to grow fruit, vegetables and herbs.

9. The sustainable low impact farming techniques that the appellants use to manage the land, the proposed ecological enhancements, and the sustainable drainage strategy for the site that will benefit the wider area, are all highly commendable. In addition, I note that it is suggested that the smallholding could be used to showcase good agricultural practice as the basis for smallholdings in the future. However, all of these could take place without the need for a dwelling on the site. Consequently, an essential need for a dwelling on the site has not been established.

10. Whilst the site contains the ruins of a former dwelling, and the stone from this would be utilised, the proposal is for a new dwelling, not for the re-use of the existing building. As such the appeal scheme would not accord with this criterion in either Policy NE8 or the Framework.

11. The dwelling would be built to Passivhaus standards, and so would be a highly sustainable house. It has been designed to reduce the need for energy and to be very energy efficient, and the aim is that the house would be "off grid". The sustainability credentials are also commendable, and are far higher than is currently required by either national or local policies or regulations. Nevertheless, even if examples of such dwellings may be rare in the area, in general terms the delivery of this level of sustainability in a purpose built contemporary house is no longer innovative in itself. Moreover, there is no indication that the way these features are incorporated into the design of the dwelling, or that the specific materials to be used, are particularly innovative or exceptional.

12. In the light of the above, I consider that the proposal does not accord with Policy NE8 or paragraph 55 of the Framework, and the approach of the development plan to new dwellings in the countryside must prevail.

Character and Appearance

13. Policy NE12 of the CUDP seeks to ensure that development within the SLA does not have an adverse impact on the landscape quality. In contrast to the land to the north of Staups Lane which contains a number of farmsteads and dwellings in the valley between it and Blackshaw Head, on the hillside on which the proposed development would be located buildings are much more limited. Notwithstanding the ruin of the former dwelling on the site, the limited human activity results in the hillside having a remote and tranquil nature.

14. Whilst the proposed materials are appropriate, and the dwelling is well designed, the scale and mass of the proposed 4 bed bedroomed dwelling is large, and much larger than the former dwelling on the site. In addition, the proposal would include a large detached outbuilding which would be used to store agricultural equipment as well as garaging, and which would be set some distance to the south of the dwelling. The size of these buildings, which would be clearly visible, particularly from The Long Causeway, would make the development an unduly prominent and uncharacteristic addition to the hillside.

15. I appreciate that careful consideration has been given to the location of the dwelling and outbuilding within the site. Nevertheless, the isolated location of proposed buildings, some distance from any metaled road, would make them an incongruous feature in the landscape, which would be detrimental to the character and appearance of the area.

16. Furthermore, in combination with the scale and mass of the buildings, and the creation of an access drive and a domestic curtilage around the dwelling, the development would be at odds with the inherent characteristics of the landscape, notably its openness and tranquillity.

17. Consequently, I consider that the proposal would unduly harm the character and appearance of the area. As a result, it would conflict with Policy NE12 of the CUDP and with Policy BE1 of the same which seek to ensure that new development contributes to, or at least maintains, the quality of the existing environment.

Access

18. The appeal site is located a considerable distance along an unmade access track that is also a bridleway and public footpath. The track is single width with few passing places – characteristics which make it unsuitable to accommodate additional traffic, and which has the potential to cause conflict between vehicular traffic and equestrian and pedestrian users. The village of Blackshaw Head is not within walking distance of the site. Although there is a bus service to the village, I observed no other services or facilities. As a consequence, future occupiers of the dwelling would be heavily reliant on a car.

19. The appellants currently have to make a number of trips to the site each day in order to run the small holding, and their desire to be as self-sufficient as possible would reduce the need to travel. Nevertheless, the day to day travel needs associated with the creation of a dwelling on the site are still likely to be considerably greater than at present, as the occupiers would still be likely to need to make daily trips to and from the site for a variety of purposes. The sites distance from the public highway would make service delivery particularly problematical, and would help to perpetuate unsustainable service delivery.

20. Whilst it is indicated that the appellants propose to improve the condition of the access track, this would be by way of improvements to the surface rather than any increase in its width, or the creation of passing places. Overall, I consider the proposal would result in a significant increase in the use of this inadequate access track to the detriment of the safety of other users.

21. Therefore, I consider that the proposed development would not be served by an adequate safe access. Therefore it would be contrary to policy BE5 and GT4 of the CUDP which requires that developments should be served with an access that provides convenient connectivity to the surrounding area, and does not make conditions worse for more vulnerable transport users including the emergency services.

Other Matters

22. The Framework sets out in paragraph 47 that to boost significantly the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. The Council acknowledge that they cannot do this as the latest figures indicate there is only a 4.6 year supply. This is matter of significant weight.

23. The construction of the dwelling would provide some temporary work for local contractors. However, the desire for the smallholding to be self-sufficient would reduce the benefits to the local economy from future residents.

24. The proposal would make a very small contribution to housing supply in the area, and I note the support for the scheme from the Parish Council and local people.

Planning Balance and Conclusion

25. In the absence of a 5 year housing land supply, paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework (paragraph 7) indicates that there are 3 dimensions to sustainable development: economic, social and environmental. The scheme would have some very limited economic benefits, and would make a small contribution to housing supply. However, it would be contrary to national and local policies on the sustainable location of development, and the special circumstances to justify a decision other than in accordance with policy have not been demonstrated. It would also be detrimental to the character and appearance of the area, and would have an inadequate access. The modest benefits of the proposal would not outweigh this harm. Consequently, the proposal would not represent sustainable development.

26. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR