
Appeal Decision

Site visit made on 23 January 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 3 February 2017

Appeal Ref: APP/E2340/W/16/3157278

Land to the rear of Hollin Hall Barn, Hollin Hall, Trawden, Colne BB8 8SS

- 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 C Shapcott against the decision of Pendle Borough Council.
 - The application Ref 16/0300/FUL, dated 21 April 2016, was refused by notice dated 16 June 2016.
 - The development proposed is "erection of a detached dwelling house and change of use of agricultural land to residential use".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development provided by the application form has been updated by subsequent documents. I consider that the description of development provided by the appeal form is accurate and precise. I, therefore, adopt it accordingly.

Main Issue

3. The main issue is the effect on the character and appearance of Trawden Forest Conservation Area.

Reasons

4. The appeal site lies within Trawden Forest Conservation Area which is characterised by its rural undulating landscape that covers a large area of predominantly open countryside and also includes the settlement of Trawden. The site consists of land within the settlement boundary that was formerly part of the rear garden of Hollin Hall Barn, together with part of an adjacent agricultural field. The site and the adjoining lane has a relatively steep upward slope from Hollin Hall where it meets Trawden Brook, and leads toward Meadow Bottom Farm to the south. The site includes a detached garage and a mature Sycamore tree which is subject to a Tree Preservation Order (TPO), together with part of an agricultural field for which change of use is sought to form a residential curtilage. There is woodland to the west of the site consisting of trees in an earlier stage of maturity.
 5. The isolated presence and modest scale of Hollin Hall Barn and the adjoining terrace on the southern side of the road leads to views of the verdant and undulating rural landscape beyond, which includes the site. The site and those
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existing buildings, therefore, form an important transition into the rural landscape from the denser and taller built form to the north associated with a converted mill and modern housing on the opposite side of the road. Consequently, the site and its immediate surroundings make a positive contribution to the rural character of the Conservation Area.

6. The evidence before me indicates that planning permission was granted by the Council in 2010 for demolition of the existing garage and erection of a detached house within the site. It is common ground between the main parties that the planning permission remains extant and that the principle of a dwelling on the site is acceptable, given it is sited within the settlement boundary of Trawden. However, the proposal before me consists of a different design of dwelling to the extant permission.
7. The steeply sloping land would be excavated to reduce the land levels at the base of the dwelling to close to those of Hollin Hall Barn. Nevertheless, the proposed dwelling would consist of a ridge height of around 9m and an eaves height of approaching 6.8m. This would be an increase in ridge height of approximately 1.5m and an increase in eaves height of around 1m when compared to the fallback position of the dwelling that has an extant planning permission. Consequently, the proposed height of the dwelling would result in it being viewed as significantly taller than the modest scale of Hollin Hall Barn and its adjoining terrace. I, therefore, consider that the dwelling would be viewed as a dominant, prominent and incompatible addition on land to the rear of Hollin Hall Barn which would harm the character and appearance of the site and the distinctiveness of the rural setting to this aspect.
8. The harmful effect of the dwelling identified would be worsened by the limited detailing and fenestration to the northern side elevation which would emphasise the scale, bulk and massing of the dwelling. The sparse northern side elevation would also contrast with the rural appearance of Hollin Hall Barn, despite the proposed use of traditional stone and slate materials.
9. There is little potential for additional landscaping to screen principle views from the south and east due to the siting of the dwelling in close proximity to the rear boundary of Hollin Hall Barn and the access onto the adjacent lane respectively. The retention of the TPO tree in an elevated position would provide a backdrop that would reduce the impact on the wider rural landscape. Furthermore, the neighbouring woodland would provide screening to the west, including to the proposed residential curtilage. However, this would not mitigate the harmful visual contrast of the proposed dwelling with Hollin Hall Barn and its adjoining terrace, which would be visible from Hollin Hall and along the adjacent lane to the east of the appeal site.
10. In reaching the above findings, I have taken account of the presence of the buildings of similar and larger scale than the proposal located on the northern side of Hollin Hall. However, the presence of such buildings does not justify the harm identified given the closer relationship of the site to the sparse grouping of modest buildings on the southern side of Hollin Hall and at the settlement edge.
11. I conclude that the development would fail to preserve or enhance the character and appearance of Trawden Forest Conservation Area. The proposal would, therefore, conflict with Policies ENV1 and ENV2 of the Local Plan for Pendle Core Strategy 2011-2030, adopted December 2015, Policy 10 of the

Replacement Pendle Local Plan, adopted May 2006, and the guidance set out in the Pendle Conservation Area Design and Development Guidance Supplementary Planning Document, adopted August 2008. When considered together the policies seek to ensure new development is of a high standard of design and makes a positive contribution to protecting or conserving heritage assets, including conservation areas. The policies are consistent with the National Planning Policy Framework (the Framework).

12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the Framework requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Rather than make the positive contribution desired by paragraph 131 of the Framework, the proposal would harm local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset or development within their setting.
13. The harm caused would be significant in terms of the immediate surroundings of the proposal. However, the harmful effect would be localised due to the surrounding screening afforded by the TPO tree and neighbouring woodland, together with the larger scale of buildings in the wider context. Consequently, the harm would be less than substantial to the significance of Trawden Forest Conservation Area as a whole.
14. The development offers potential benefits in terms of increasing housing supply and choice. The proposal would also have economic benefits to the local area through Council tax and support for local services. Furthermore, there would be short term and temporary economic benefits with respect to the necessary construction works associated to the development. However, the extent of these benefits is limited for a development of the scale proposed. In any case, taking account of the presence of an extant planning permission for a dwelling of lesser height, there is no substantiated evidence before me that the same benefits could not be achieved whilst avoiding the harm resulting from the proposal.
15. Having regard to the above, the extent of the public benefits is modest based on the scale of development proposed. Consequently, the public benefits identified taken individually or in cumulative would not be sufficient to outweigh the great weight given to the conservation of Trawden Forest Conservation Area and the less than substantial harm to its significance identified.

Other Matters

16. The Council raised no concerns with respect to the living conditions of the occupiers of neighbouring properties in terms of outlook, sunlight, daylight or privacy. Based on the evidence before me, including the submitted plans, I have no reason to take a different view. Furthermore, the addition of a single dwelling would not be significant in terms of parking demand or traffic generation in a location where highways are lightly trafficked. The access and

car parking arrangements, therefore, would not have a detrimental impact on highway safety. However, the absence of concern in these respects is a neutral factor.

Conclusion

17. I have considered the public benefits of the development. When taken together they would not be sufficient to outweigh the less than substantial harm to the significance of Trawden Forest Conservation Area.
18. For these reasons and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR