
Appeal Decision

Site visit made on 19 December 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 6 February 2017

Appeal Ref: APP/E2340/W/16/3160241

Knarrland Farm, Warley Wise Lane, Laneshawbridge, Colne, Lancashire BB8 7ES

- 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 & Mrs Alan & Michele Sheraton against the decision of Pendle Borough Council.
 - The application Ref 13/16/0107P, dated 10 March 2016, was refused by notice dated 10 May 2016.
 - The development proposed is described as an eco-dwelling on the derelict site of former kitchen garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the principle of the proposed dwelling in such a location is acceptable having regard to local and national policy;
 - the effect of the proposal on highway and pedestrian safety.

Reasons

Character and appearance

3. The appeal site comprises land located adjacent to the dwelling and attached barn at Knarrland Farm. It appears that it was previously used as a kitchen garden but that the use has now ceased. The farmhouse and barn at Knarrland Farm are traditional two storey stone structures with pitched roofs and a high ratio of brickwork to window and door openings. The appeal site contains a number of existing buildings and structures, many of which appear to be poorly maintained and have an unkempt appearance. It is located in an open rural location with agricultural fields to the side, rear and on the opposite side of the access road off Warley Wise Lane. The access road forms part of the Pennine Bridleway and a public footpath adjoins the appeal site to the west.
 4. The proposed two storey dwelling would replace all of the existing buildings and structures on the site. Though it would in the main be constructed from
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traditional materials and would incorporate some traditional design details, the appearance of the southern elevation of the proposed dwelling in particular would be at odds and out of keeping with the adjacent farmhouse and barn and with the local vernacular. The attempt to maximise solar gain from the southern elevation results in the uncharacteristic use of a large amount of glazing in upvc frames and a photo-voltaic array on a prominent elevation of the proposed dwelling as it faces the access road near to the public footpath. In addition the proposed dwelling would incorporate a hipped roof, a feature not common to the surrounding buildings. As a result whilst there would be some visual benefit from the removal of the existing buildings and structures, this would not outweigh the harm to the character and appearance of the area that would result from the poor design of the proposal.

5. Though I have had regard to the appellants comments that the design of the proposal has been considered and endorsed by three RIBA members, I have seen no evidence of these endorsements and in any event for the reasons outlined above I do not consider the proposed dwelling to be of a high quality design. I have also had regard to the presence of wind turbines near to the appeal site and the impact of these on the character and appearance of the area. However the proposal is for a different type of development, not directly comparable to the wind turbines, the presence of which do not justify the proposed dwelling.
6. Taking the above matters into consideration, I conclude that the proposal would adversely affect the character and appearance of the area. It is therefore contrary to the development plan and in particular Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (CS) and to paragraph 64 of the National Planning Policy Framework (the Framework). These policies require all new development to, amongst other things, seek to deliver the highest possible standard of design.

Principle of development

7. The appeal site is located in an isolated open countryside position at the edge of a small group of buildings accessed off a lengthy single track road some distance from the nearest settlement of Laneshawbridge. Policy SDP2 of the CS states that proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.
8. Paragraph 55 of the Framework relates to housing in rural areas and states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It further states that isolated new homes in the countryside should be avoided unless there are special circumstances such as those listed. This includes the exceptional quality or innovative nature of the design of the dwelling. Such a design should: be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance the immediate setting; and be sensitive to the defining characteristics of the local area.
9. The appellants consider the proposed dwelling to be of an exceptional and innovative nature that significantly enhances the immediate setting such that it meets the special circumstances test.

10. Whilst I note that the proposed dwelling has been designed to be energy efficient and to incorporate various sustainable architecture solutions some of which the appellants state are uncommon and rarely used in combination as proposed, I have seen no substantive evidence to persuade me that the design of the dwelling is truly outstanding or innovative and that it reflects the highest standards in architecture. Additionally as I have found that there would be harm to the character and appearance of the area, I do not consider that the dwelling enhances its immediate setting or that it is sensitive to the defining characteristics of the local area. The appeal site is located in a rural setting, which is characterised by traditionally designed buildings. The proposal would be out of keeping with its surroundings. I do not consider therefore that the proposal meets the special circumstances test of paragraph 55.
11. Taking the above matters into consideration, I conclude that the principle of the proposed dwelling in such a location is not acceptable having regard to local and national policy. It is therefore contrary to the development plan and in particular Policy SDP2 of the CS and to paragraph 55 of the Framework. Policy SDP2 seeks to, amongst other things, direct development to sustainable locations and restrict new housing development in the open countryside. The proposal would also conflict with paragraph 55 of the Framework as an isolated home in the countryside without any justification in terms of special circumstances.

Highway and pedestrian safety

12. As stated, access to the proposed dwelling would be via a relatively lengthy single track access road off Warley Wise Lane. The access road forms part of the Pennine Bridleway and so is open to horse riders, walkers and cyclists. In the main it is straight and reasonably level with a number of passing places along its length between Warley Wise Lane and the appeal site. The access road is used by a small number of existing dwellings and businesses and it appears that there is also an extant planning permission to convert the barn at Knarrland Farm to a dwelling.
13. I have had regard to the concerns of the Highway Authority and interested parties regarding the nature of the access road and the likely impact on pedestrian and highway safety of any increase in vehicular use of it. However from my observations of the alignment and nature of the access road and passing places on site and having regard to the relatively low level of additional traffic likely to be generated by the proposal, in the absence of any substantive evidence to the contrary, I do not consider that the proposal is likely to result in severe detriment to highway and pedestrian safety.
14. Taking the above matters into consideration, I conclude that the proposal would be unlikely to have a significant adverse effect on highway and pedestrian safety. It therefore accords with paragraph 32 of the Framework which seeks development proposals to, amongst other things, provide safe and satisfactory access.

Other Matters

15. Whilst I note that there is some level of support from interested parties, this is not a reason to grant planning permission for the proposal which, for the reasons stated above, is considered to be harmful.

Conclusion

16. Though the proposal would be unlikely to have a significant adverse effect on highway and pedestrian safety, it would have an adverse effect on the character and appearance of the area and would be contrary to local and national policy which seeks to direct development to sustainable locations and to restrict new housing development in the open countryside.
17. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR