
Appeal Decision

Site visit made on 24 January 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 21st February 2017

Appeal Ref: APP/B2355/W/16/3159723

Wellsprings Farm, Grane Road, Haslingden, Rossendale, BB4 5TR

- 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 S Barton against the decision of Rossendale Borough Council.
 - The application Ref 2016/0057, dated 18 February 2015, was refused by notice dated 3 May 2016.
 - The development is described as “proposed conversion of detached garage plus extension and demolition of outbuilding to form one dwelling”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council is currently unable to demonstrate a 5 year supply of housing land, as required by the National Planning Policy Framework (‘the Framework’). In these circumstances, paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date.
 3. The Council’s reason for refusal identifies a conflict with Policy 1 of the Rossendale Core Strategy (2011). This policy states that development should take place within the defined urban boundary unless it requires a countryside location. Insofar as this policy restricts the location of new housing development, it can be considered a policy for a supply of housing in terms of paragraph 49 of the Framework.
 4. Where paragraph 49 of the Framework applies, paragraph 14 states (unless material considerations indicate otherwise) that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In that context, the main issues in considering this appeal are:
 - (a) Whether future occupiers of the development would be unduly reliant on private transport; and
 - (b) The effect of the development on the landscape and rural character of the area.
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Reasons

Reliance on private transport

5. The appeal site is located in countryside outside the defined Urban Boundary. The nearest supermarket and primary school are located within the town of Haslingden. A bus stop is located close to the junction between Grane Road and Holcombe road, which is a short distance away.
6. There is a continuous footway along Grane Road that connects the appeal site to Haslingden, which has a range of services and facilities. However, these services and facilities are some distance from the site, and not within a reasonable walking distance in my view. Whilst there is a bus stop nearby, services from this stop are infrequent and generally only once an hour during the day. Whilst the site is within walking distance of the Holden Arms and Holden Antiques Centre and restaurant, these are not facilities that future occupiers would ordinarily rely upon. Overall, the development would have poor accessibility to public transport, services and facilities, and future occupiers would be reliant on private transport. Accordingly, I consider that the development would be in an isolated location in the countryside.
7. Paragraph 55 of the Framework states that new isolated homes in the countryside should be avoided unless there are 'special circumstances'. The third bullet point to paragraph 55 states that 'special circumstances' may include where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. I conclude below that the effect of the development would be broadly neutral and there would not be an enhancement to the immediate setting. The third bullet point to paragraph 55 requires both that a redundant or disused building is re-used, and that this leads to an enhancement to the immediate setting. Accordingly, the development would not accord with the third bullet point to paragraph 55 in this case.
8. My attention has been drawn to another appeal decision in Rossendale (ref APP/B2355/W/16/3149055). However, in that case the Inspector concluded that the development would enhance its immediate setting. It is therefore not directly comparable to the current appeal proposal.
9. My attention has also been drawn to a recent approval by the Council of a residential annex to a neighbouring property. Whilst the full details of that case are not before me, residential annexes are typically used in conjunction with the host property, and do not create a new dwelling. In any case, I have determined the appeal on its own merits.
10. The appellant refers to Planning Policy Guidance 13: Transport in relation to cycling distances. However, this document no longer forms part of current Government guidance. In any case, the steep access track to the appeal site and the speed of traffic along Grane Road would, in my view, act to discourage future occupants from cycling.
11. For the above reasons, I conclude that future occupiers of the development would be unduly reliant on private transport. The development would therefore be contrary to the relevant section of Policy 23 of the Rossendale Core Strategy (2011). This policy seeks to ensure, amongst other things, that development is well connected to public transport, community facilities and services. It

would also be at odds with the Framework, including paragraph 55 which seeks to avoid new isolated homes in the countryside.

Landscape and Rural Character

12. The appeal building is located in a relatively prominent hillside position off Grane Road. It is within a short row of properties that are otherwise surrounded by countryside. A public footpath passes close to the site, and the development would be visible from this footpath further up the hillside.
13. Whilst the proposed extension would significantly extend the current garage to the rear, it would largely be onto land that already contains another smaller outbuilding. It would not extend beyond the northern edge of this outbuilding, and much of the increase in volume would take place in the gap between these existing structures. In this context, I do not consider that it would be a disproportionately large addition, or that it would result in significant harm to the surrounding area. The Council accept that, when considered in isolation, the conversion and extension of the garage building would represent good design. However, both of the existing outbuildings are in good condition, and do not detract from their setting. The development would not significantly improve the appearance of the garage in my view. Accordingly, I do not consider that it would lead to an enhancement to the immediate setting for the purposes of bullet point 3 of paragraph 55 of the Framework.
14. The submitted plans indicate that the small field to the rear would serve as a garden to the proposed dwelling. This would domesticate this area of land, which would change its character and appearance. At present, the view of the field from the footpath is fairly direct when coming down the hill. However, the field is small and well contained by trees to the north and east, and by the existing row of properties to the south. It is seen in this context from the footpath, and any harm by increased domestication would therefore be very limited. Overall, the effect of the development on its immediate setting is broadly neutral.
15. For the above reasons, I conclude that the development would not significantly harm the landscape or rural character of the area. It would therefore accord with the relevant sections of Policies 18, 23, and 24 of the Rossendale Core Strategy (2011). These policies seek to ensure, amongst other things, that development is well designed, is compatible with its surroundings, and safeguards landscape character.

Other Matter

16. The appellant states that pre-application advice provided by the Council did not raise any concerns in relation to accessibility. However, this was not supportive of the development, and in any case, pre-application advice is not binding on the Council in determining later applications.

Conclusion

17. The development would create a new dwelling in the countryside outside of the Urban Boundary. It would therefore be contrary to Policy 1 of the Rossendale Core Strategy (2011). However, due to the current housing land supply position this policy should be regarded as out of date. Accordingly, the conflict with Policy 1 carries less weight than it would if there were a five year supply of deliverable housing sites.

18. Where relevant policies are out-of-date, the Framework states that permission should be granted unless specific policies in the Framework indicate that development should be restricted. In this case, paragraph 55 of the Framework states that isolated new dwellings in the countryside should be avoided. As set out above, I have found that the development would have poor accessibility to public transport, services and facilities, and would not result in an enhancement to its immediate setting. Furthermore, the limited social and economic benefits associated with the provision of a single dwelling would not constitute 'special circumstances' in this case. Overall, therefore, the proposal does not represent sustainable development.
19. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR