
Appeal Decision

Site visit made on 20 February 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 7 March 2017

Appeal Ref: APP/E2340/D/16/3161354

Croft Barn, Barley New Road, Barley BB12 9LF

- 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 Barry Sanderson against the decision of Pendle Borough Council.
 - The application Ref 16/0508/HHO, dated 28 July 2016, was refused by notice dated 11 October 2016.
 - The development proposed is removal of three trees and formation of two car parking spaces.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Barry Sanderson against Pendle Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Following the Council's decision subject to this appeal, the Council have subsequently granted planning permission (ref: 16/0697/HHO) for an alternative scheme consisting of formation of an access and a car parking area within the curtilage of Croft Barn. The approved plans are before me and include removal of two Scots Pine trees protected by Tree Preservation Order (TPO) where the access would be located. At the time of my visit, the two Scots Pine trees had been removed, but the access had yet to be formed. I determine the appeal on that basis.

Main Issue

4. The main issue of the appeal is whether the development would preserve or enhance the character and appearance of Whitehough Conservation Area, including the effect on protected trees, the setting of Grade II listed buildings and the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site lies within Whitehough Conservation Area to the south of Whitehough House, Farmhouse and Outbuildings, which are Grade II listed buildings. An additional group of listed buildings is located further to the north west within the Conservation Area. The site also lies within the Forest of
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- Bowland AONB and adjoins an access road at the front that also serves as a public right of way adjacent to Whitehough Water.
6. The Conservation Area consists of a small rural settlement characterised by cottages and agricultural buildings that are now predominantly in residential use. The buildings are arranged on land which has a northward slope, with Whitehough House and the Farmhouse, which is addressed as Whitehough Grange, located centrally. Croft Barn lies at the southern edge of the settlement as it plateaus toward Whitehough Water. Within the Conservation Area particularly along its southern edge fronting the access road, the rural character and tranquil setting of Whitehough Water is complemented by the prominence of stone walls and trees which screen elevated curtilages. These features make a positive contribution to the historic significance of the Conservation Area as a rural settlement adjoining Whitehough Water.
 7. 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. Section 66 of the same Act requires special attention to be paid to the desirability of preserving listed buildings and their settings. Paragraph 131 of the National Planning Policy Framework (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. 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.
 8. The existing site makes a positive contribution to the historic significance of the Conservation Area and its tranquil setting. When approaching along the access road and public right of way, Croft Barn is visible as part of a group of buildings with a verdant frontage of trees and elevated curtilage enclosed by a stone wall. The site also forms part of the setting of the listed buildings where they are viewed together as part of the Conservation Area from elevated and distant views when approaching along the access road from the Barley New Road junction to the south east. Only limited and filtered views are available along Barley New Road due to the presence of intervening woodland.
 9. The proposal seeks to form two car parking spaces to the front of the property including removal of a section of the stone retaining wall at the front of the site, excavation of land levels to provide a hardstanding parking area and formation of a new retaining wall. The submitted plans indicate removal of the two Scots Pine trees protected by TPO, together with one Sycamore tree which given its location in the Conservation Area would be protected from indiscriminate felling.
 10. There is an absence of formal on-street parking provision facing Whitehough Water where Croft Barn is located, with off-street car parking generally provided on hardstanding areas within curtilage boundaries. The majority of car parking areas are screened from near views along the access road adjacent to Whitehough Water by differences in land levels and boundary treatments. The formation of hardstanding with natural granite setts would be similar to nearby driveways that lead into enclosed curtilages, including the adjacent

Waterside House. However, the presence of cars parked in bays beyond the boundary walls in a perpendicular layout would introduce an incongruous and urbanising feature at the southern edge of the Conservation Area.

11. The lowering of the boundary walls to achieve suitable highway visibility would not have a significant effect on the character and appearance of the site. Furthermore, vehicles parked on the proposed hardstanding would be mostly screened by the position of boundary walls when approaching from the west along the access road. However, the parking bays would protrude beyond the boundary wall to the east. From this perspective, vehicles when parked would be prominent feature which would appear out of place when viewed by walkers and vehicles approaching from the east along the access road and the public right of way. Consequently, the proposal would harmfully erode the rural character of the site frontage and therefore, would fail to preserve or enhance the character and appearance of the Conservation Area.
12. When approaching along the access road from its junction with Barley New Road, there are elevated vantage points which offer more comprehensive views of the buildings arranged against the northern slope of the land despite the presence of some woodland screening. From those perspectives, hardstanding together with curtilage and frontage parking associated with buildings are a more visible and common feature of the Conservation Area. This includes car parking to the front of and adjacent to Whitehough House and Whitehough Grange and other listed buildings to the north. Consequently, when viewed in a wider context the proposed car parking area would not appear prominent or out of place, and would not have an adverse impact on the setting of the Grade II listed buildings or a significant impact on the wider landscape of the Forest of Bowland AONB. However, the absence of concern in those respects is a neutral factor which does not justify the failure to preserve or enhance the character and appearance of the Conservation Area in terms of the immediate rural context and tranquil surroundings of Whitehough Water when viewed in close proximity along the adjacent access road and public right of way.
13. Having regard to the above, the fallback position offered by the planning permission of a new access and car parking within the curtilage of Croft Barn would be less prominent when viewed from the frontage of the access road and would not replicate the harm I have identified. Although larger areas of hardstanding and car parking within the curtilage would be more visible from distance views, from those perspectives they would harmonise with similar car parking areas of surrounding properties. Consequently, the fallback position of the extant planning permission would be less harmful to the character and appearance of the Conservation Area than the proposal before me.
14. There are no restrictions upon on-street parking along the access road, aside from advisory 'no parking' and 'private road' signs at the junction with Barley New Road. Nevertheless, on-street parking adjacent to Whitehough Water is not a common feature and any infrequent parking which may take place would not have the same permanent urbanising effect as the appeal proposal.
15. Turning to the issue of protected trees, the Council's Environment Officer offered no objection to the removal of the two Scots Pine trees subject to TPO as neither were in good condition, with evident die back and sparse crowns with poor form. The removal of the tree closest to a Copper Beech that would be retained, which is also subject to TPO, was considered beneficial given it

takes away competition that was detrimental to that superior specimen. Furthermore, no objection was offered to the removal of the Sycamore due to the presence of a basal decay pocket in the trunk and poor form with visible die back at the crown resulting from competition with a nearby Copper Beech subject to a TPO. Based on the evidence before me, I have no reason to take a different view to the Council's Environment Officer regarding the acceptability of the removal of the trees. However, if the appeal were to be allowed, a condition would be necessary to ensure replacement planting elsewhere within the site to preserve the verdant nature of the frontage which positively contributes to the character and appearance of the Conservation Area.

16. Notwithstanding the above, the harm previously identified would be considerable in terms of the effect on the character and appearance of the site and the surrounding area. Nevertheless, the harmful effect would be localised and, therefore it would be less than substantial to the significance of Whitehough Conservation Area as a whole. There are public benefits of the scheme in terms of the long term health of TPO trees to be retained and provision of off road parking. However, the extent of those benefits is modest and in any case, would be achieved as part of the extant planning permission which would not replicate the harm identified. Consequently, the public benefits would not, therefore, be sufficient to outweigh the great weight given to the conservation of Whitehough Conservation Area and the less than substantial harm to its significance which I have identified.
17. I conclude that the development would fail to preserve or enhance the character and appearance of Whitehough Conservation Area. The proposal conflicts, therefore, with Policies ENV1 and ENV2 of the Local Plan for Pendle Core Strategy 2011-2030, adopted December 2015. When considered together the policies seek to ensure that 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 Framework.

Conclusion

18. 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 Whitehough Conservation Area. The absence of a detrimental impact in terms of the removal of protected trees, the setting of Grade II listed buildings and Forest of Bowland AONB is a neutral factor which does not weigh in favour of the development.
19. For these reasons and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR