
Appeal Decision

Site visit made on 16 May 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 16 June 2017

Appeal Ref: APP/E2340/W/17/3169432

Hollin Hall Farm, 517 Gisburn Road, Blacko, Nelson, Lancs BB9 6LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant part full / part outline planning permission.
 - The appeal is made by Mr Daniel Hall against the decision of Pendle Borough Council.
 - The application Ref 16/0603/OUT, dated 24 August 2016, was refused by notice dated 22 December 2016.
 - The development proposed is the erection of fourteen dwellings. Demolition of Hollin Hall Farm to form new access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Daniel Hall against Pendle Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was originally submitted as an outline planning application in the terms set out above, with approval sought for matters relating to access and layout. Matters relating to appearance, landscaping and scale were reserved for future consideration.
 4. However, subsequent submissions, including the Council's Committee reports, and the submissions of both the Council and the appellant in relation to this appeal refer to the application as a hybrid planning application. The hybrid application is described thus: *'Outline: Major: Demolition of Hollin Hall Farm and erection of 12 dwellings (access & layout) Full: Change of use of domestic garage and annex to two dwellings and external alterations.'*
 5. In addition to a site location plan, topographical survey and existing elevations of Hollin Hall Farm, the application was considered on the basis of 'Annex / garage conversion v.1.1' and 'Layout Plans PL-HH-014-V1'. As matters relating to scale were reserved for future consideration I have considered the annotations regarding house types and their descriptions shown on the latter to be indicative.
 6. I am satisfied that that was the basis upon which the Council considered the proposals, upon which interested parties commented and upon which the
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appeal was submitted. I have therefore considered this appeal accordingly and I am satisfied that to do so would not cause disadvantage to any party.

7. A signed and dated Unilateral Undertaking (UU) has been submitted to secure the provision of affordable housing and a green corridor of woodland planting, and financial contributions towards traffic calming measures and primary and secondly school places. I shall return to this matter below.

Main Issues

8. The main issues are;

- The effect of the proposed development upon the character and appearance of the village and the surrounding area; and
- Whether any harm caused to character and appearance and living conditions, and any other harm, would significantly and demonstratively outweigh the benefits associated with increasing the supply of new housing

Reasons

The Development Plan

9. Pendle Local Plan Part 1: Core Strategy (CS) Policy ENV1 says that proposals should aim to safeguard or enhance the landscape character of an area having regard to the different landscape types that are present in the borough, and it is the provisions of this policy that the Council rely upon in the refusal of the application.
10. However, CS Policy SDP2 sets out the Council's spatial development principles and identifies a settlement hierarchy across the Borough. Blacko is identified as a *Rural Village* capable of accommodating development primarily to meet local needs. Whilst this policies also states that proposals for new development should be located within defined settlement boundaries, it goes on to state that development may be permitted beyond those boundaries but only for those exceptions identified within the National Planning Policy Framework (the Framework) for development in the open countryside or where other policies in the development plan indicate otherwise.
11. CS policy LIV1 sets out the Council's approach to housing provision and delivery. It indicates that, until such time as the Council allocates sites in Part 2 of its Local Plan, proposals for new housing development will be supported on sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Council's '*Strategic Housing Land Availability Assessment*' (SHLAA). I have not been made aware that the Council have adopted a Part 2 of its Local Plan or that sites have been allocated, but it is not contested that the appeal site lies in a reasonably accessible location and is identified as a deliverable site in the SHLAA.

National policy

12. The Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development¹. Where a Council cannot demonstrate a five year supply of deliverable housing sites,

¹ Paragraph 49

relevant policies for the supply of housing should not be considered up to date. In this instance it is not disputed that the Council are currently able to demonstrate a deliverable 5 year housing land supply, or that the appeal site is identified in the SHLAA as contributing towards that housing supply.

13. CS policies SDP2 and LIV1 are housing supply policies and, given the current position regarding the Council's housing land supply, these policies, and CS policy ENV1 which is not a housing supply policy, can be given full weight in the consideration of this proposal. The latter, which seeks to safeguard or enhance the landscape character of an area, is also consistent with the relevant objectives of the Framework which seek to secure high quality design that responds to local context whilst taking account of the different roles and character of different areas and recognising the intrinsic character and beauty of the countryside to protect and enhance valued landscapes.

Character and Appearance

14. The village is set alongside the A682 (Gisburn Road) as it climbs out of Nelson and Barrowford towards the upper slopes of the Pendle Water Valley. Built development is largely continuous along one side or the other of Gisburn Road as it climbs towards the appeal site from Barrowford. However, this built form is interspersed with large, undeveloped and open areas affording views over the rolling countryside beyond the roadside dry-stone walls. This is particularly the case on the southern side of Gisburn Road, with views across the lower slopes of the valley and from where views of the appeal site may be taken. The Council describe Blacko as a largely linear village and, in so doing, make reference to similar descriptions given by Inspectors in two appeal cases² in Blacko. From what I saw of the site and its surroundings during my visit, I agree.
15. The absence of built development within much of the appeal site, together with the open nature and character of the southern portion of the site helps to create a 'soft' transition from the prevailing linear form of the village to the greater depth of development provided by the adjacent Hollin Fold development. As part of a larger open field on open valley sides, the site contributes to the expansive views across the valley that can be found in the gaps between groups of buildings throughout Blacko, particularly in views from the east towards the appeal site.
16. Although not directly visible from the north due to the intervening buildings that front onto Gisburn Road, the appeal site has a more prominent position in views towards Blacko Hill and Stansfield Tower from the local footpath network to the south and east of the site. The southern site boundary is unmarked and the southern footpath currently runs close to what is currently a notional boundary. However, the open field combines with adjoining fields to provide a pleasing foreground in views toward what are prominent local landmarks on the upper slopes of the valley above Blacko.
17. The site lies within the *Moorland Fringe (South Pendle Fringe)* Landscape Character Area, as defined and described in the Council's '*Landscape Strategy for Lancashire*'. Within this area the Strategy seeks, amongst other matters, to protect the upper slopes from development, particularly near skylines and to

² APP/E2340/A/09/2118474 & APP/E2340/W/16/3151871

- respect the characteristic settlement pattern of small isolated clusters of dwellings.
18. The layout of the proposed development, based around an inverted 'T' cul-de-sac, would introduce depth to the built form of this part of Blacko that would compromise the prevailing linear form of ribbon development that I saw typifies much of Blacko. Even where developments have deviated from a simple linear form following Gisburn Road, such as the adjacent Hollin Fold development, the road and housing layout there follows a broadly linear layout absent from the current proposal.
19. The depth of development created by the proposed site layout would be at odds with the existing form and nature of this part of Blacko. The existing dwelling at 511 Gisburn Road is the eastern-most dwelling on Gisburn Road in this particular group, the fields beyond part of a sizeable swathe of open land on the inside of the gentle sweep of Gisburn Road as it falls to towards the southeast that afford expansive views of the valley beyond. The proposed development would extend some distance to the south of the dwelling at No 511. Although matters of scale are reserved for future consideration, and therefore the scale of the dwellings shown on the appellant's section drawings are indicative, they highlight the degree to which the depth of the proposal's layout would appear visually detached from the existing built form in the open views towards the site from the east.
20. Closer views from the footpath network to east and south of the site, where the paths would run close to the proposed dwellings, would become dominated by the development. Again, the section drawings suggest that views towards Blacko Hill and Stansfield Tower would be retained. However, in views into, across and through the proposed development the dwellings and associated roofscape would be seen at a variety of angles and orientations, at odds with the prevailing, and relatively simple linear form, of much of Blacko as it is experienced along Gisburn Road. Moreover, where ground levels rise and the path is closer to the southern site boundary of the site towards its western corner, the proposed development would significantly impinge upon views towards these skyline features and dominate the immediate foreground from these footpath network.
21. I accept that the development plan³ envisages situations where the development of greenfield sites to deliver additional housing for the Borough may be appropriate, albeit qualified by the comment 'where they accord with other policies of the Core Strategy. I accept too that the appeal site shares some of its boundaries with the development boundary for Blacko and that, in that sense, the development plan⁴ lends some support to the proposal. However, for the reasons set out above I consider that the appeal site makes a significant contribution to the character and appearance of Blacko and the surrounding landscape, underlining both the sense of linearity that typifies the ribbon development along Gisburn Road and the importance of the open vistas and breathing spaces between groups of dwellings that afford views up, down and across the valley sides. The appeal site boundary might be considered a logical extension of the existing development boundary at the west, where it adjoins the Hollin Fold development, but its southeasterly alignment towards Spout House Farm would represent a significant incursion into the open

³ CS policy SDP2

⁴ CS policy LIV1

countryside beyond the existing settlement limits, resulting in a jarring transition between the built form of Blacko and the adjacent open countryside.

22. Thus, I consider that the appeal site contributes significantly to the setting, character and appearance of Blacko. In the context of the nature and character of the landscape within which Blacko sits, the contribution it makes to the wider landscape character and quality is sizeable. The proposed development would result in a layout and depth of built development at odds with the prevailing simple, linear form that typifies much of Blacko and would be an incongruous form of development when viewed from the local footpath network and in longer views from the east and southeast. The proposal would fail to safeguard or enhance the landscape character of the area, contrary to CS policy ENV1.

Other Matters

23. Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations (the CIL Regulations) require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development
24. The appellant has submitted a signed and completed Unilateral Undertaking (UU) which proposes, amongst other matters, to secure the provision of two affordable housing units. I am advised that CS policy LIV4 sets out targets and thresholds for the provision of affordable housing and that for developments of between 10 and 14 dwellings, affordable housing provision will be sought at 20%. The appeal scheme would deliver two affordable dwellings and, whilst I have not been made aware of any particular need for affordable housing, I note that the level of provision is not a matter of dispute between the parties.
25. I have considered the UU that has been submitted. I find that the measures set out in respect of securing the provision of affordable housing would meet the tests set out in paragraph 204 of the Framework and Regulation 122 of the CIL Regulations in terms of it being necessary, directly related to the development and fairly related in scale and kind. I am also satisfied that the provisions in respect of education contributions would meet these tests, having regard to the projected shortfall in places at both primary and secondary school levels. I can therefore reasonably take this matter into account in reaching my decision.
26. The UU also includes provision for financial contributions towards traffic calming measures, particularly with regard to waiting restrictions at the entrance to the site. However, I note that whilst the local highway authority is supportive of such a measure, I note that there are no objections to the proposal on highways grounds. I have not been provided with any compelling justification for such provisions regarding traffic calming measures and therefore conclude that they would not be necessary to make the development acceptable in planning terms. This element of the UU fails the tests of Regulation 122 and I give it no weight.

The Planning Balance

27. The Framework states⁵ that applications for housing development should be considered in the context of the presumption in favour of sustainable development. For decision-taking this means⁶ that proposals that accord with the development plan should be approved without delay. It goes on to state that where the development plan is absent, silent or relevant policies are out of date, proposals should be granted planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
28. However, as it is not contested that the Council are currently able to demonstrate a deliverable five year housing land supply, I do not consider relevant policies to be out of date. I accept that the SHLAA is an important source of evidence which will be used to inform plan making and not the inclusion of the site within the SHLAA and therefore contributing towards the Council's 5 year housing land supply. However, the inclusion of a site in the SHLAA does not necessarily mean that planning permission for housing development should be granted.
29. In this case however I find that there would be considerable harm to the character and appearance of the village and its setting in a landscape valued by the local community, contrary to CS policy ENV1. The proposal would be contrary to the design and landscape policies and core planning principles of the NPPF which, amongst others, seek to secure high quality design and to recognise the intrinsic character and beauty of the countryside. As the provisions of CS policy SDP2 are qualified by accordance with other policies of the Core Strategy, I conclude that the proposal cannot accrue support from the spatial approach set out in CS policy SDP2.
30. There would be social and economic benefits associated with, and arising from, the proposed development. The proposal would contribute positively to housing supply and would secure two affordable housing units as well as making a contribution towards primary and secondary school places in the context of a projected shortfall. Although these factors weigh in favour of the proposal I consider that the environmental harm identified above is such that the proposal would not be a sustainable form of development.

Conclusion

31. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

⁵ Paragraph 49

⁶ Paragraph 14