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## Appeal Decision

Site visit made on 14 November 2017

**by Gareth Wildgoose BSc (Hons) MSc MRTPI**

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

**Decision date: 14<sup>th</sup> December 2017**

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**Appeal Ref: APP/E2340/W/17/3181018**

**Dalesview Caravan Park, Higher Lane, Salterforth BB18 5SH**

- 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 Dales View Park Ltd against the decision of Pendle Borough Council.
  - The application Ref 16/0653/FUL, dated 3 October 2016, was refused by notice dated 5 April 2017.
  - The development proposed is *"change of use from grazing land to accommodate 24 residential mobile homes with associated access road, parking areas and infrastructure"*.
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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 in subsequent documents. I have adopted the description of development provided by the appeal form accordingly as it is precise and accurate with respect to the proposal before me.

### Main Issues

3. The main issues are:
  - The effect upon the character and appearance of the area, and:
  - Whether the site would be suitable for the proposed development, having regard to the proximity of services and the suitability of the highway network.

### Reasons

#### *Character and appearance*

4. The appeal site consists of land to the north east of Dalesview Caravan Park that adjoins Lister Well Road to the north, which is also a public right of way that forms part of the Pennine Bridleway National Trail. Higher Lane (B6251) is located close by to the east, with a tight cluster of garages near to the site and a linear grouping of residential properties along the opposite side of the road. At the time of my visit, the site was in use as grazing land, with an informal access route from the junction of Higher Lane and Lister Well Road through to the existing caravan park which was closed to vehicles and pedestrians. The existing mobile homes within the caravan park are currently set back some

- distance from both Lister Well Road and Higher Lane due to the position of the site, together with open land immediately to the south and a riding centre beyond which also lie between its main entrance.
5. Policy ENV1 of the Local Plan for Pendle Core Strategy 2011-2030 (CS), adopted December 2015, amongst other things, requires that in those areas not subject to national landscape designations, development proposals should, wherever possible, aim to safeguard or enhance the landscape character of the area and have regard to the Lancashire Landscape Assessment and specifically the different landscape character types that are present in the borough. It also requires that proposals show how they respond to the particular landscape character type they are located within.
  6. A landscape visual and impact assessment (LVIA) provided by the appellant indicates that the site and its surroundings are identified as within the Natural England - National Character Areas of Bowland Fringe and Pendle Hill (No 33) and Lancashire Valleys (No 35), together with the Local Landscape Character Area of Gargrave Drumlin Field (13a)<sup>1</sup>, and that the site is not subject to a national or regional landscape designation. The Council's evidence to this appeal has offered a contrary view that the site lies within the Local Landscape Character Area of the South Pendle Fringe (4g).
  7. It is evident from the maps within the Landscape Character Assessment of Lancashire that the site lies close to the juncture of those two local landscape character areas. The site and surrounding landscape demonstrates features of both, with pasture and fields largely dominating the wider undulating countryside with rolling drumlins that influence settlement patterns and long distance views from high hills. However, close to the site the landscape is punctuated by evident moorland including near to the existing caravan park.
  8. The LVIA identifies that the landscape character of the surrounding area has moderate sensitivity to the proposal and that the magnitude of change to landscape character would be negligible to no change with the significance of the effects on landscape character judged as neutral. The LVIA assesses the visual effects from 31 selected viewpoints within the Zone of Theoretical Visibility. The LVIA concluded that the development would have a neutral effect on all viewpoints, except Viewpoints 1 (Higher Lane looking up Lister Well Road close to the site), 2 (Higher Lane at a junction with a public footpath to the south of the site), 12 (From a public footpath near Moor Side to the north west), 13 (From Manchester Road further to the north), 15 (From Pendle Way at Folly Lane further to the north west) and 16 (From Elm Close near to 15). In terms of those perspectives, the LVIA identifies no greater than a slight adverse visual effect for each based largely upon differing degrees of visibility of the caravans, which the LVIA identifies would become no worse than a neutral effect when landscape planting matures.
  9. The LVIA is a material consideration to which I attribute significant weight. However, I have concerns that the LVIA viewpoints selected are not fully representative of public vantage points of the site and the wider landscape, particularly those in close proximity. The site and the adjoining caravan park are located on a hillside where land levels rise above Higher Lane, which screens views from the west. Furthermore, due to undulating land levels and vegetation along the boundaries, views into the site from public vantage points

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<sup>1</sup> As identified in the Landscape Character Assessment of Lancashire [2000], Lancashire County Council

along Higher Lane are generally limited. However, notwithstanding the presence of some mounds and undulations, land levels gently fall from the southwest corner of the site close to the existing caravan park in a north eastern direction towards the junction of Lister Well Road with Higher Lane. From that point, Lister Well Road gently rises above the site in a westerly direction offering views into and across the site toward the wider landscape to the south due to significant gaps in vegetation behind a modest boundary wall.

10. The siting of mobile homes within the site would result in development where there is presently none. The footprint of the mobile homes and their resultant bulk, scale and massing, together with associated parking areas and domestic paraphernalia would inevitably lead to the site being less open, as it currently has no buildings on it and only a limited area of hardstanding which is not visually prominent. The loss of open land would be observed in close proximity from a number of vantage points along Lister Well Road. From those perspectives, the site currently provides an important visual break between the existing mobile homes within Dalesview Caravan Park, that are partly screened by landscaping and earth mounds, and the linear development along Higher Lane, whilst affording some open views of the wider landscape to the south due to the elevated position. The introduction of mobile homes closer to Lister Well Road and Higher Lane would substantially alter those existing views from the bridleway, which I observed was frequently used by pedestrians during my visit, and would reduce the perception of open countryside when walking east towards Higher Lane. The prominent intrusion of up to 24 mobile homes into the open countryside that lies between the existing caravan park and the linear grouping of dwellings on Higher Lane would, therefore, undermine the rural character of the locality.
11. Users of the bridleway are sensitive receptors to change and the effect of the development would introduce an increased sense of enclosure when walking to and from the larger expanses of open countryside to the north and west, despite the reduced land levels of the site. I agree with the findings of the LVIA that the potential for additional boundary screening or landscaping over time would mitigate the visibility of the development from more distant views to the north, north west and south, including LVIA viewpoints 2, 12, 13, 15 and 16. However, the addition of landscaping would not overcome the harmful effect upon public vantage points on Lister Well Road as such an approach in itself would remove existing views of the wider landscape to the south and reduce the perception of walking within an open countryside setting.
12. The design of the mobile homes would be capable of responding to those within the existing caravan park which would be viewed as a backdrop to the site, particularly when looking from Higher Lane and at its junction with Lister Well Road, including LVIA viewpoint 1. From those vantage points, the development's effect upon the character and appearance of the area would be limited. However, the absence of concern in that respect does not justify the harm identified in terms of other available public vantage points of the site along Lister Well Road, particularly when looking south, which were not assessed by a representative viewpoint within the LVIA.
13. The Council also referred to the effect of the development from LVIA viewpoints 26 and 27, which are approximately 4km to the east from Bleara Road and Coolham Lane respectively and offer wide landscape views over Earby and Barnoldswick towards the site and Pendle Hill beyond. Based upon my

observations, the development would not have a significant impact on the wider landscape from those vantage points. The mobile homes would be viewed in an undulating landscape against a number of other groups of existing buildings, settlements, tree lines, moorland and taller hillsides and therefore, the expansion of the caravan park would not be an overly prominent or incongruous feature. Consequently, the effect of the development would have only a localised impact on the wider landscape. Nevertheless, the localised impact of the development on the character and appearance of the area would be significant, particularly when viewed along Lister Well Road.

14. Having taken all of the above into account, I conclude that the development would result in significant harm to the character and appearance of the area. The proposal, therefore, would conflict with Policy ENV1 of the CS. The policy is consistent with the Framework which seeks to promote or reinforce local distinctiveness and that the intrinsic character and beauty of the countryside is recognised.

*Proximity to services and the suitability of the highway network*

15. Policy LIV1 of the CS sets out the strategic approach to housing provision and delivery in Pendle. It suggests that over the plan period from 2011 to 2030, provision will be made to deliver a minimum of 5,662 (net) dwellings, equating to an average of 298 dwellings per annum and where evidence of further need or demand is identified additional dwellings will be provided. Policy LIV1 does not include specific reference to the use of land for the siting of mobile homes for residential use. However, the proposal before me would allow occupation of 24 mobile homes as a sole/main residence and should be assessed against relevant policies in the development plan and the Framework relating to the supply of housing.
16. Policy LIV1 refers to a distribution of development set out in Policy SDP3 of the CS to deliver the housing requirement. However, amongst other things, it also states that proposals for new housing development will also be supported in other specified locations where they accord with other policies of the CS. The identified locations include, until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies (LP - SA&DP), 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 Strategic Housing Land Availability Assessment (SHLAA).
17. Having regard to the above, Policy ENV4 of the CS indicates, amongst other things, that proposals should minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services. Furthermore, it also requires that proposals for new development should have regard to the potential impacts they may cause to the highway network, including in terms of safety.
18. The proposal consists of an extension to an existing caravan park within the open countryside in a location that is approaching 0.5km from the nearest settlement boundary of Barnoldswick. As previously mentioned, the parcel of land lies adjacent to the existing layout of mobile homes to the south west and adjoins the junction of Higher Lane and Lister Well Road. When taking account of the proximity to the existing mobile homes and linear development of dwellings on the eastern side of Higher Lane, the development would not be remote or isolated from other properties in the area.

19. Barnoldswick is a large settlement in Pendle which includes a range of local services and facilities including shops, a small supermarket, a bank, post office, public houses, restaurants, schools, a library, church, medical and dental centres and a sports centre, with bus services providing links to a wider range of services and facilities in Skipton, Burnley, Colne, Rawtenstall and Manchester, together with additional links via associated train stations to other regional centres such as Preston. The site lies outside of the village envelope, but is not significantly distant from the nearest bus stops, services and facilities in Barnoldswick.
20. Notwithstanding the above, the routes which pedestrians would need to take to access the local services, facilities and nearest bus stops are not of a good standard. The sections of Higher Lane and Manchester Road (also B6251) which lead into Barnoldswick have street lighting, but have no pedestrian footway and significant sections enclosed by dry stone walls to either side of the road with no refuge for pedestrians to get off of the carriageway if they needed to do so. As a consequence, I consider that the route into Barnoldswick via Higher Lane and Manchester Road would not be a safe route for pedestrians to use regularly to access services and facilities. In reaching that view, I have taken into account that the evidence before me indicates that there have been no personal injury accidents within the vicinity of the site access in the last five years. However, to my mind, that suggests that Higher Lane and Manchester Road are only infrequently used by pedestrians to access Barnoldswick due to the absence of a footway, resulting in some reliance upon alternative modes of travel.
21. An alternative route through Letcliffe Park would offer safer access for pedestrians via public rights of way. However, the public footpaths offer a more indirect route that are mostly unlit with varying ground conditions along their length. Consequently, it is highly unlikely that occupiers of the mobile homes would regularly access the local services and facilities on foot via that route, particularly at night, in inclement weather or when carrying bulky goods.
22. During my visit I observed cyclists using Manchester Road and the facilities, services and bus stops in Barnoldswick are close enough to be accessible from the site via bicycle. Nevertheless, future occupants of the mobile homes would be less likely to cycle to and from Barnoldswick when carrying shopping or bulky goods which would place some reliance upon use of a car as a matter of convenience to meet day to day needs. Consequently, it is likely that the development would encourage a dependence upon private car use in a similar manner to the existing caravan park where significant areas of car parking were evident during my visit. The presence of a local taxi service would not remove the potential for regular private car use, nor would the possibility of car sharing have a significant effect.
23. Based upon the evidence before me, an appropriate site access for vehicles could be achieved and controlled via conditions. Furthermore, the proposal would not, of itself, generate a considerable increase in traffic movements along Higher Lane and Manchester Road, particularly when taking account of established dwellings in close proximity and the larger number of mobile homes already existing within the caravan park. Nevertheless, whilst some dependency on car use is inevitable in rural locations, the cumulative effect of allowing development in locations which encourage regular car use to meet resident's day to day needs would increase the amount of unsustainable

journeys made. It is, therefore, reasonable that the site should not be considered to fall within the definition of an appropriate location close to existing or proposed services for the purposes of Policy ENV4 of the CS as the proposal does not minimise the need to travel. Consequently, although not specifically referred to in the Council's reason for refusal, the proposal could not be considered to meet the definition of a sustainable site outside but close to the settlement boundary for the purposes of Policy LIV1 of the CS.

24. In reaching the above findings, I have taken into account that the development would create a new pedestrian / cycle access onto Higher Lane from the established mobile homes in Dalesview Caravan Park, which would reduce the distance that existing residents would need to walk or cycle along Higher Lane to Barnoldswick. However, given my previous findings including the unsuitability of the Higher Lane and Manchester Road route for regular pedestrian use, I can afford little weight to those matters. Whilst the presence of the existing mobile homes and other dwellings nearby on Higher Lane is acknowledged, the full circumstances which led to those developments being accepted are not before me. In that context, I note that a bus service which previously operated past the site is no longer in existence and development plan policies and national policy have changed over time. Consequently, the presence of existing residential properties and mobile homes close to the site does not justify the addition of further mobile homes in a location that necessitates dependency upon regular car use to meet day to day needs.
25. I conclude that the site would not be suitable for the proposed development, having regard to the proximity of services and the suitability of the highway network. The development is, therefore, contrary to Policies LIV1 and ENV4 of the CS.

### **Other Matters**

26. The addition of up to 24 mobile homes would make a positive contribution to housing supply and choice in Pendle. There would be associated social benefits including potential provision as bungalows and accessible housing for the elderly, together with limited environmental benefits in terms of energy saving features and construction methods when compared with permanent dwellings. The proposal would also have economic benefits to the local area through tax revenue and support for local services and businesses. Furthermore, there would be temporary economic benefits in terms of the necessary construction works. Those benefits, based on the scale of development proposed and when taken together, are afforded significant weight.
27. The appellant has provided evidence which indicates that mobile homes in the existing caravan park are generally purchased at a market rate that is considerably lower than other dwellings in the area. However, the mobile homes do not meet the definition of affordable housing and would not be secured in perpetuity for such purposes by planning obligation. Consequently, I give little weight to any contribution of the mobile homes to affordable housing in Pendle.
28. I am satisfied that the design and layout of the mobile homes could be suitably controlled to safeguard the existing living conditions of occupiers of neighbouring properties. There is also no substantive evidence before me that the development would have a detrimental effect upon ecology, biodiversity or flood risk. However, the absence of concern in those respects is a neutral

factor. Furthermore, the case officer's recommendation having been overturned by the Council's Planning Committee is not an influential factor upon the outcome of this appeal, which I necessarily consider upon its merits.

### **Planning Balance**

29. There is some dispute between the parties as to whether the Council can demonstrate a 5 year supply of deliverable housing sites. The Council determined the application on the basis of a shortfall of deliverable housing sites, but subsequently as part of this appeal has drawn my attention to an Annual Monitoring Report which updated the housing land supply calculations in Pendle as at 31 March 2016 and indicated a 5.1 years supply. I have only limited information before me in that respect and more than a year has passed since the calculation date. Consequently, I cannot conclude with any certainty with respect to the Council's current housing supply position.
30. Notwithstanding the above, the presence of a 5 year supply or otherwise a shortfall of deliverable housing sites would not alter the outcome of the appeal in this particular case. The harm I have identified with respect to both main issues would clearly and demonstrably outweigh the benefits of the development, including those identified as associated with the contribution to housing supply of up to 24 mobile homes. The presumption in favour of sustainable development in paragraph 14 of the Framework does not, therefore, apply. The proposal does not constitute sustainable development when assessed against the development plan and the Framework as a whole.
31. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the development plan in so far as the policies that are relevant to the character and appearance of the area and whether the site would be suitable for the proposed development, having regard to the proximity of services and the suitability of the highway network. Development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. When undertaking the necessary balancing exercise, the adverse impact of the development in terms of the conflict with the development plan and the extent of harm identified in those respects are overriding factors that are not outweighed by the other material considerations previously identified.

### **Conclusion**

32. For the reasons set out above and having taken all other matters into account, I conclude that the appeal should be dismissed.

*Gareth Wildgoose*

INSPECTOR