
Appeal Decision

Site visit made on 8 July 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24th July 2019

Appeal Ref: APP/B2355/W/19/3227109

North Farm, Hargreaves Fold Lane, Lumb, Rossendale BB4 9RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr and Mrs C Adams against the decision of Rossendale Borough Council.
 - The application Ref 2019/0113, dated 19 March 2019, was refused by notice dated 12 April 2019.
 - The development proposed is described as a proposed road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 grants planning permission for the classes of development described in Schedule 2 to that Order. Part 6 of Schedule 2 describes agricultural developments. It provides that, where reasonably necessary for the purposes of agriculture within agricultural units of a certain size, certain works may be carried out without requiring a specific permission under Part III of the 1990 Act.
3. Those works include engineering operations, which are what are proposed in this appeal. The permission conferred by the Order is however restricted to require a determination by the local planning authority as to whether prior approval of the details of the development is required where the works constitute (amongst other development descriptions) the 'formation or alteration of a private way'.
4. The works proposed here constitute the construction of an access track around 150m long and consisting of a hardcore surface with a grassed central strip, a lay-by (described by the appellant as a passing place) measuring around 35m x 3m, and an area of hardstanding measuring around 17m x 20m. The appellant describes the latter element as having the purpose of allowing vehicles to turn around, but also to store hay and other farm equipment. Despite these other purposes of the proposed hardstanding area, however, taking all the elements of the proposal together I am satisfied that the proposal as a whole is for the 'formation of a private way' for the purposes of the prior approval provisions of Part 6, and this is not disputed by the parties.

5. The Council is not satisfied that the proposal constitutes development of a description falling within Part 6, disputing whether the agricultural unit is sufficiently large and whether the development is reasonably necessary for agricultural purposes within it. These matters form the Council's first reason for refusing to approve the details of the proposed development. However, the prior approval procedure set out under Part 6 makes no provision for any determination to be made as to whether the proposed development would amount to permitted development, and so these matters are beyond my remit in this appeal. My decision in this appeal, therefore, does not purport to confirm whether or not the proposal would constitute development of a description falling within Part 6.

Main Issue

6. There is no appeal against the Council's decision that prior approval is required. Such prior approval relates to the siting and the means of construction of the private way, and so, having regard to the second of the Council's reasons for refusing to approve the details, it is the effect of these matters on the character and appearance of the area that form the main issue in the appeal.

Reasons

7. The Council's second reason for refusing to approve the details submitted cited a number of provisions of the development plan and the National Planning Policy Framework ('the Framework'). Although section 38(6) of the 2004 Act does not apply here, those provisions are nevertheless relevant to consideration of the effect of the siting and means of construction of the way on the character and appearance of the area and accordingly I have had regard to them. Policy 1 of the '*From East to West: Making Rossendale the Best*' Core Strategy Development Plan Document, '*The Way Forward*' (2011 – 2026) adopted in November 2011 ('the CS') seeks to enhance the quality and sustainability of places including by the use of design and materials to enhance the Borough's character. Policy 23 also promotes high quality design and spaces. Policy 24 specifically requires planning applications to address the compatibility of a development's siting and materials, albeit the supporting text to the policy suggests that it is applicable only to submissions on applications for planning permission. These policies are generally consistent with the objectives of the Framework in Chapter 12 to create high quality places and in Chapter 15 to contribute to and enhance the natural and local environment including by recognising the intrinsic beauty of the countryside.
8. The proposed private way joins Hargreaves Fold Lane towards the bottom of a hill where the minor lane meets the principal road passing through the linear settlement of Lumb. From there, the proposed track rises in a north easterly direction across the field, plateauing on higher ground to the north of the existing dwelling at North Farm. The proposed hardstanding area would be constructed on this plateau, with the track then turning approximately southwards towards the dwelling.
9. The settlement area of Lumb is set on the valley floor, with the land rising reasonably steeply to fields and scattered dwellings on both sides, and the road also rising to the north east as it climbs into the countryside past Clough Bottom reservoir and towards its junction with the main A671. There would be limited visibility of the private way from within the main settlement on the valley floor, but it would be highly conspicuous from the hillsides around.

10. The appellant explains that the proposed route of the private way, widely traversing the field, takes into account the land contours so that the gradients are no greater than 1 in 10 and therefore that it would be accessible for farm vehicles. Whilst the existing Hargreaves Fold Lane is rather steep, it is readily accessible by vehicles of all kinds, as I saw on my site visit. Such prominent siting as is proposed, that would sever the field pattern and detract from the current unspoilt character and appearance of the field, appears unnecessarily obtrusive and harmful.
11. The materials for the proposed way are unexceptionable for an agricultural track but the extensive hardstanding on the plateau, sited on agricultural land some considerable distance from the farm dwelling and other nearby buildings and lacking a close relationship with them, would be particularly prominent in views from around the hillsides. For these reasons the siting and the means of the construction of the proposed private way would harm the character and appearance of the area and accordingly their details are not approved and the appeal is dismissed.

Laura Renaudon

INSPECTOR