
Appeal Decision

Site visit made on 10 September 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/B2355/W/19/3232309

121 Goodshaw Lane, Crawshawbooth, Rossendale BB4 8DJ

- 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 and Mrs Bill and Tracey Jones against the decision of Rossendale Borough Council.
 - The application Ref 2019/0067, dated 18 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is a residential development of a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a residential development of a detached dwelling at 121 Goodshaw Lane, Crawshawbooth, Rossendale BB4 8DJ in accordance with the terms of the application, Ref 2019/0067, dated 18 February 2019, subject to the conditions in the attached schedule.

Procedural Matter

2. I have, for completeness, used the appellants full names which are set out on the appeal form in my decision.

Main Issues

3. The main issues in this case are: (i) whether the appeal site is a suitable location for the proposed development, having regard to its proximity to facilities and services; and (ii) the effect of the proposed development on the visual amenity of the area.

Reasons

Suitable location

4. There is no dispute between the main parties that the appeal site lies outside of the defined Urban Boundary of Crawshawbooth where new housing development should be concentrated. However, for sites outside the Urban Boundary, proposals will be determined in accordance with the relevant national guidance. Paragraph 79 of the National Planning Policy Framework (the Framework) explains that planning decisions should avoid the development of isolated homes in the countryside. I note the Council are concerned about the accessibility of facilities and services for future occupants.
5. The topography of Goodshaw Lane generally falls from north to south. The road is narrow but lit and there are intermittent narrow pedestrian footways along its length leading to the A682. Consequently, road users do need to share the

lane at certain points. However, vehicle speeds are likely to be low due to the alignment, topography and width of the lane.

6. Existing occupants of dwellings on either side of the lane would use this route to reach the modest range of facilities and services in Crawshawbooth which are between 300 and 600 metres of the site. These include a: primary school; nursery; church; playground; restaurant; café; and a number of retail premises. Bus stops can also be found along the A682. Each could be accessed on foot by future occupants either using Goodshaw Lane or the public right of ways (PRoW) that link to the primary school or the A682. Use of the PRoW would be more limited during the hours of darkness or inclement weather. These conditions may also lessen future occupants' journeys to the nearby facilities and services using the lane, and thus increase the use of the motor vehicles. However, future occupants would not be reliant on motor vehicles to the extent suggested by the Council given that they would have the option to walk or cycle during such conditions or at other times of the day. While the topography would present a challenge for some, the journey would be no different to that currently experienced by neighbouring dwellings on the lane.
7. A dwelling of the scale proposed would not result in the development of a new isolated home in the countryside. Hence, I conclude on this issue that the site is in a suitable location for the proposed development, having regard to its proximity to facilities and services. The proposal would accord with policies 1, 23 and 24 of the Core Strategy Development Plan Document *The Way Forward* (2011 – 2026) (Core Strategy). Jointly, these seek, among other things, to ensure that developments are accessible and maximise access by public transport, walking and cycling to promote safe and inclusive communities. The proposal would also comply with Section 12 of the Framework as it would function well not just for the short term but over the development's lifetime.
8. The Council cite Core Strategy Policy 18 and Section 15 of the Framework in terms of this issue, but neither are relevant as they relate to biodiversity, geodiversity and landscape conservation – the natural environment.

Visual amenity

9. A Landscape and Visual Appraisal (LVA) has been submitted by the appellants with the appeal. The LVA seeks to respond to the Council's stance about the proposal's scale and relationship with its surroundings.
10. The site abuts and rises above the lane. A high dry stone wall, which is characteristic of the locality, retains the largely open landform of the site. Open pastoral fields are to the east, while there is intermittent residential development to the north, south and west. Ground levels generally rise fairly steeply to the north and east of the site. Tree cover can be found on the site, but these appear to be self-seeded. More established tree cover is along the lane and next to Folly Clough to the east. Having regard to these features, I agree with the LVA that the site could be considered to have a fringe / edge of settlement character.
11. Based on my own observations, I do not disagree with the LVA in terms of where the proposed development could be experienced from. These include a handful of residential properties, the lane, and the PRoW network. Distant and glimpsed views from the Rossendale Hills PRoW network may occur, but these would be in the context of other dwellings.
12. To make best use of the site's ground levels, the proposed dwelling would be

set into the ground. This would lessen its visibility, but views from the lane, nearby residential dwellings and the PRow that wraps around the eastern side of the site would remain. The proposed elongated design would be particularly clear from the lane in front of the site and from the east. The effect, as the LVA recognises, would be most evident around the time of the proposal's construction with a minor / adverse largely felt.

13. That said, the dwelling would not unduly encroach into the countryside. Further planting along the site's western boundary would help mitigate any localised views. A planning condition could secure this. Dwellings in the area do not have the same footprint. Hence, some variance is acceptable, especially given the use of a pitched roof which would harmonise with nearby dwellings. Moreover, when viewed from the east, the proposal's design would mean that it would be an uncomplicated addition to the landscape.
14. Dark coloured timber is proposed for the dwelling's elevations. This would depart from the traditional use of materials found locally, but Core Strategy Policy 23 does call for the use of locally sourced sustainable, high quality and innovative materials appropriate for the development and its surroundings. In tandem with further landscaping, the timber has the potential, over time, to blend with the site and its surroundings. The precise finish of the external materials could be subject of a planning condition to ensure that the dwelling appears as an appropriate addition in the landscape.
15. I note the Council's concerns about the potential impacts of future extensions and outbuildings. While such changes could affect the local landscape, this is not protected, and I am not aware of similar restrictions to nearby dwellings. The suggested blanket restriction would not be reasonable or necessary. However, there is merit in restricting additions to the roof and incidental buildings given that these would be likely to be, in light of the proposed layout and topography, the most visible changes and thus potentially cause the most harm to the landscape if not sensitively designed and sited. Thus, it would be in the Council's gift to consider any future proposals in the first instance.
16. Accordingly, I conclude in relation to this issue that the proposed development would, subject to the imposition of planning conditions, be acceptable insofar as its effect on the visual amenity of the area. The proposal would accord with Core Strategy policies AVP4, 1, 18, 23 and 24 and Sections 12 and 15 of the Framework. Together, these seek, among other things, development to be of a high standard of design that respects and responds to the local landscape, context and character, and is compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, scale and materials while safeguarding the countryside from encroachment.

Other matter

17. While there is no dispute that the Council is currently unable to demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, and I note the Council's latest estimates, the proposal accords with the development plan in respect of both main issues.

Conclusion and conditions

18. I have had regard to the suggested list of planning conditions provided by the Council. I have imposed a plans condition in the interests of certainty.
19. I have imposed several pre-commencement conditions in respect of external finishes, landscaping, access and drainage. These are all necessary in the

interests of: visual amenity; highway safety; and to secure proper drainage and to manage the risk of pollution. Given the Phase 1 Desk Study Report, I have imposed a pre-commencement condition to secure a remediation scheme and to ensure that a verification report is subsequently provided. This condition is necessary in the interests of mitigating hazards associated with land contamination and to prevent pollution.

20. In the interests of visual amenity, I have imposed a condition to secure details of boundary treatments with a different trigger point as this does not need to be a pre-commencement condition. A condition is necessary to control when trees, shrubs and other vegetation is removed from the site to protect any nesting birds on the site. For the reasons explained, I have imposed a modified version of the permitted development restrictions suggested by the Council so that the condition is tailored specifically to the proposal's effect and circumstances. This is necessary in the interests of visual amenity.
21. Given the information submitted, a condition to secure details of ground levels, finished floor levels and cross sections is not necessary.
22. For the reasons set out above, I conclude that the appeal is allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PT256-PTA-00-ZZ-DR-A-00001-P4; PT256-PTA-00-ZZ-DR-A-00002-P4; PT256-PTA-00-ZZ-DR-A-00102-P4; PT256-PTA-00-ZZ-DR-A-00010-P1; PT256-PTA-00-ZZ-DR-A-00011-P1; PT256-PTA-00-ZZ-DR-A-00103-P4; PT256-PTA-00-ZZ-DR-A-00104-P4; PT256-PTA-00-ZZ-DR-A-00105-P4; PT256-PTA-00-ZZ-DR-A-00120-P2; PT256-PTA-00-ZZ-DR-A-00121-P2; PT256-PTA-00-ZZ-DR-A-00110-P2; and PT256-PTA-00-ZZ-DR-A-00111-P2.

Pre-commencement

- 3) Samples of the materials to be used in the construction of the external walls, roof, window and door frames of the dwelling hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved materials shall thereafter be used in the construction of the development.
- 4) A scheme for landscaping within the site shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The scheme shall include indications of all existing trees and shrubs on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Details of the proposed means of surfacing, sealing and draining of all areas to be used by vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. These shall include for the hard surfacing of the new access from the highway boundary with Goodshaw Lane to a point measured five metres in to the site. The approved vehicular areas shall be constructed in accordance with the approved details and laid out as shown on the approved plan Ref: PT256-PTA-00-ZZ-DR-A-00102-P4 (or as subsequently amended), before the dwelling hereby permitted is first occupied. The areas used by vehicles shall thereafter be retained at all times solely for the parking and circulation of vehicles in conjunction with the dwelling, and to allow vehicles satisfactory access to and from the site.
- 6) Notwithstanding any details given on the approved plans, development shall not commence until full details of the proposed layout of the new vehicular access serving the dwelling hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. These shall include for 45 degree splays on either side of the access from a point measured five metres back from the carriageway edge of Goodshaw Lane, and shall show gate posts and gates set a minimum of five metres back from the carriageway edge with the latter positioned so that they solely open inwards into the site. The access shall be constructed in accordance with the approved details before the

dwelling hereby permitted is first occupied and shall thereafter be retained at all times to allow vehicles access to and from the site.

- 7) Notwithstanding any details given on the approved plans or application form, details of the proposed means of draining foul and surface water from the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. These shall show foul and surface water drained using separate systems with surface water discharged by way of one of the drainage options set out in the National Planning Practice Guidance. The development shall be carried out in accordance with the approved details before the dwelling hereby permitted is first occupied.
- 8) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied.

Before first occupation

- 9) Details of the proposed treatment of the property boundaries shall be submitted to, and approved in writing by, the Local Planning Authority before the development hereby permitted is first occupied. The approved boundary treatment shall be completed in accordance with the approved details before the dwelling hereby permitted is first occupied and shall thereafter be retained.

Monitoring and management

- 10) No trees, shrubs or other vegetation shall be removed from the site between 1st March and 31st August inclusive unless a competent ecologist has first undertaken a detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and has provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additions to the roof of a dwellinghouse (Class B) and buildings incidental to the enjoyment of a dwellinghouse (Class E) shall be erected other than those expressly authorised by this permission.

END OF SCHEDULE