

## Appeal Decision

Site visit made on 12 November 2019

**by W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 December 2019**

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**Appeal Ref: APP/E2340/W/19/3229957**

**Land to the east of Thorneyholme Hall, Barley New Road, Roughlee, Burnley BB12 9LH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Gary Dunn against the decision of Pendle Borough Council.
  - The application Ref 18/0733/OUT, dated 16 October 2018, was refused by notice dated 14 January 2019.
  - The development proposed is the erection of 2no detached dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Outline planning permission is sought, but with all detailed matters reserved for future consideration. Plans showing possible layout, floorplans, elevations and access have been submitted. However, given that layout, scale, appearance, landscaping and access are reserved matters, I have treated the plans solely as an indication of how the site might be developed. I have determined the appeal on this basis.
3. With regard to refusal reason no.1 on the Council's decision notice, I note that no Development Plan policies have been cited. However, Policies ENV1 and ENV2 of the Council's Core Strategy 2011-2030 (2015) (CS) have been cited in relation to refusal reason no.2, which also refer to the historic environment and built heritage. I will therefore not prejudice either main party in taking these policies into consideration in the determination of this appeal. I will also have regard to the general provisions of the National Planning Policy Framework (the Framework) on this matter, as appropriate.

### Main Issues

4. The main issues of this appeal are the effect of the proposed development on:
  - a heritage asset, with particular regard to Thorneyholme Hall (TH), which is Grade II Listed; and,
  - the character and appearance of the appeal site and surrounding area, which lies within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

## Reasons

### *Background*

5. It is common ground between the main parties that whilst the appeal site is located within the open countryside it is sustainably located, with the settlement boundary of Roughlee being approximately a 450m walk away. The area surrounding the appeal site is also served by a local bus service. The appellant has provided a copy of a Judgment<sup>1</sup> to support his case on this matter, which I note. On the basis of the evidence before me I have little reason to disagree with either party on this issue.

### *Heritage asset*

6. The appeal site is located to the south east of TH by a modest distance and currently comprises a parcel of agricultural land. The site faces onto Barley New Road and consists of approximately 0.84ha. The topography of the site rises away from Barley New Road and the change in levels is notable.
7. TH was first listed on 29 January 1988 and is a late eighteenth century 3-storey house that has now been divided into 2no. dwellings. The building is constructed of dressed stone, with a part stone and part blue slate roof. Detailing on the building comprises stone coping, kneelers and moulded gutter corbels. The building has a symmetrical appearance, with the rear of the property facing Barley New Road.
8. I find that the proposed development would fall within the setting of TH, due to its proximity and the visibility of the appeal site from its principal elevations. I note the comments from the Council's Conservation Officer (CO) who identifies that TH is partially screened by mature trees on the south east approach along Barley New Road, which provide some visual and physical separation from the development site. Additionally, I note that the CO considers that the principle of 2no. additional dwellings on the site should have little adverse impact on the setting of TH. However, concerns have been raised by the CO in respect of certain aspects of the indicative scheme, such as the formal layout, rigid building lines to the road and an overall suburban appearance. Additionally, the importance of the existing hedgerow along the frontage of the site to the rural context was highlighted, recommending that this should be retained and reinforced.
9. The indicative approach of providing residential development with a new access off Barley New Road to an area of associated car parking to the rear of the proposed development would necessitate a notable proportion of the hedgerow to be removed. The appellant suggests that the hedgerow could be located behind the visibility splays to the proposed development. However, I find that it is highly likely that any hedgerow along the frontage of the proposed development would be more domestic in scale and appearance, with additional openings for features such as front gates. I consider that even if a hedgerow was incorporated on the front boundary of the proposed development, as suggested by the appellant, it would still introduce a considerably more urban feature in this rural location to the detriment of the setting of TH.
10. I have a statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires me to have special regard to

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<sup>1</sup> Wood v Secretary of State for Communities and Local Government [2015] EWCA Civ 195 (09 February 2015)

the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. I consider the proposal fails to accord with this duty.

11. For the reasons given above, I therefore conclude that the proposed development would have a harmful effect on the setting of TH. Consequently, the proposed development would fail to accord with the heritage and design aims of CS Policies ENV1 and ENV2.
12. Additionally, the proposed development would not conserve the heritage asset in a manner appropriate to its significance in line with the Framework. I find that the proposed development would result in "less than substantial" harm to the setting of TH for the purposes of paragraph 196 of the Framework. The proposal would contribute to the Council's housing supply and would result in some limited economic and social benefits. However, as public benefits, these would not outweigh the less than substantial harm to the setting of TH.

#### *Character and appearance of the AONB*

13. The site lies within the countryside and comprises a field on the periphery and away from the core of the village of Roughlee. The open and undeveloped nature of the site makes a positive contribution to the rural setting of the village. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. The Framework also notes that AONBs have the highest status of protection in relation to landscape and scenic beauty.
14. The Forest of Bowland AONB was designated in 1964 and comprises some 803km<sup>2</sup> of Lancashire and Yorkshire upland landscapes. The Council's AONB Supplementary Planning Guidance 2003 (SPG) recognises that the AONB is characterised by a central upland core with summits above 450m and vast tracts of heather-covered peat moorland, which is dissected by steep-sided valleys which open out into rich green lowlands. Additionally, the SPG notes several pressures on the AONB, including loss of hedgerows, amongst other things. I note the age of the SPG. However, it nevertheless seeks to maintain the best characteristics of the AONB, and is therefore relevant, and a material consideration in the context of this appeal.
15. The appellant has drawn my attention to a recent appeal decision<sup>2</sup> (the Ridge Lane Decision) for a residential development located on Ridge Lane, close to the site. Relatively little detail has been provided regarding this scheme, although I was able to observe and assess the site at my visit. I acknowledge that I have reached a different conclusion to the Inspector on the Ridge Lane Decision with regard to the impact on the AONB, but the specific site circumstances and number of dwellings in the scheme before me are different to those present in the Ridge Lane Decision. Additionally, I do not know what evidence was before the Inspector at the time of his decision.
16. Whilst the proposal is for outline permission only, the effect of erecting 2no. dwellings on this site, and the associated domestic paraphernalia, that would be associated with a residential development can still be determined. The site's existing connection to surrounding fields, countryside and AONB means it has value in terms of its contribution to the overall landscape and scenic beauty of

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<sup>2</sup> APP/E2340/W/16/3153165

the area. In the immediate vicinity of the site there is a prevailing sense of openness around and beyond the buildings, and the road has a distinctly rural character and feel. The connection of the site with surrounding open countryside would result in the residential development harmfully eroding the open and undeveloped character of the site. This harmful effect would be accentuated through the likely removal of a notable section of hedgerow on the frontage and alterations to its appearance, and the potential excavation of a significant amount of material from the site with retaining structures installed to facilitate the proposed development.

17. For all of these reasons, I therefore conclude that the proposed scheme would unacceptably fail to conserve or enhance the natural beauty of the Forest of Bowland AONB. This would conflict with the character, appearance and environmental aims of CS Policies ENV1 and ENV2, and guidance contained within the SPG. The proposal would also be contrary to paragraph 170 of the Framework which, amongst other things, states that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside.

### **Other Matters**

18. The outline status of the current appeal proposal means that the required assessment of the effect of a proposed development on the heritage asset and character and appearance of the AONB is more limited. Given the number of units proposed and the particular physical site circumstances identified, I am not satisfied that a successful scheme could be produced through a reserved matters submission which would avoid harm to the setting of TH or conserve or enhance the AONB through the redevelopment of this site as proposed.
19. I also acknowledge that the development would bring some social and economic benefits to the area through the creation of the additional dwellings and during the construction phase of the development. However, these are minor factors in favour of the development and do not outweigh the harm that I have identified.
20. I have also had regard to concerns raised by the appellant about the way that the Council handled the application, but this does not affect the planning merits of the case. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

### **Conclusion**

21. For the reasons given above, the appeal should be dismissed.

*W Johnson*

INSPECTOR