
Appeal Decision

Site visit made on 12 November 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/E2340/W/19/3235878
Highfield, Burnley Road, Trawden BB8 8PN

- 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 D Wilkinson against the decision of Pendle Borough Council.
 - The application Ref 19/0210/FUL, dated 13 March 2019, was refused by notice dated 13 June 2019.
 - The development proposed is described as 'an animal welfare shelter on hardstanding with turn out pen for sheep and horses, surrounded by timber post and rail fencing'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form described the proposal as set out above. However, this was changed during the application process to include reference to the change of use of the land. The description on the appeal form and the Council's decision notice is 'change of Use of land to a mixed equine and agricultural use and erection of an animal shelter with pen (retrospective)'. I have determined the appeal on this basis.
3. The name of the adjacent Listed Building is variously spelled as 'New Laith Farm' and 'New Laithe Farm' in different documents. For consistency I have adopted the spelling used on its name sign and have used the variant without the final 'e' throughout my decision.

Main Issues

4. The main issues are:
 - Whether the animal shelter preserves the setting of the adjacent Listed Buildings; and,
 - The effect of the change of use on highway safety, with particular regard to vehicular access and parking arrangements.

Reasons

Listed Buildings

5. The appeal site sits in open countryside just outside the village of Trawden and lies adjacent to New Laith Farmhouse and its attached barn, both of which are

Grade II Listed Buildings. I therefore have a statutory duty to have special regard to the desirability of preserving the setting of those Listed Buildings. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).

6. The listed farmhouse and barn date from the 17th century, and their historic significance derives from their early origins, their traditional size, scale and construction from local materials, and their linear form as an upland farmstead within the surrounding open landscape. While the farmhouse has been altered over the years, the pair of buildings forms an attractive example of the historic vernacular. More modern agricultural buildings have also been erected to the west of the listed barn, but these stand to the rear and are physically separated from the historic range. Consequently, although they have a visual impact on the buildings' setting it is relatively minor. While the principal frontage of the buildings is the south east elevation facing Burnley Road, the north eastern elevation of New Laith Farmhouse is seen framed by trees when approaching from Trawden village. In this longer view the more modern buildings behind New Laith Farmhouse and the barn are screened by trees, and the form of the farmhouse's gable as well as its open, upland location can be appreciated. This view therefore makes a significant contribution to the building's setting.
7. The appeal site is a double pen which has been divided from a larger field used by the appellant and his family for grazing horses and sheep, to which it is connected by a galvanised gate. Timber post and rail fences mark the site boundary, and it is surfaced with wood chippings. An open-fronted animal shelter finished in horizontal dark brown timber boarding and with a corrugated composite sheet roof has been erected at the south western edge of the site closest to New Laith Farmhouse and its barn. Taken in isolation, the shelter's modest size, design and materials are in keeping with the rural character of the area and in other situations could be entirely acceptable. However, the siting of the shelter close to the north eastern elevation of New Laith Farmhouse means that it intrudes into the views of the farmhouse when approaching along the road from Trawden. In my assessment that view makes a valuable contribution to the Listed Buildings' setting and it is diminished by the siting of the animal shelter, notwithstanding the shelter's otherwise sensitive design.
8. Although the appellant has provided old maps which indicate that at some point in the past there was a small building on the site, it has long been removed and this information is of little assistance in establishing the effects of the shelter on the setting of the farmhouse. From Burnley Road, next to the appeal site entrance, the shelter's position means that it does not interrupt the close views of the farmhouse's south western elevation which are also a significant part of its setting. However, this does not reduce the detrimental effect it has on the setting of the Listed Building when viewed from the north east.
9. I therefore conclude that the siting of the animal shelter fails to preserve the setting of the adjacent Listed Buildings. In terms of the Framework, the harm to the significance of the Listed Buildings as designated heritage assets is less than substantial. Nonetheless, there are no public benefits arising from the

shelter to outweigh this harm, and the development is contrary to the Framework in this regard.

10. The animal shelter therefore conflicts with Policies ENV1 and ENV2 of the 2015 Pendle Local Plan Part 1: Core Strategy (PLPCS), which together seek to ensure that development makes a positive contribution to the historic environment and does not harm the significance of any heritage asset, including its setting.

Highway safety

11. The appeal site is accessed from Burnley Road via an existing field gate across the grass verge. The road past the site and for some distance to the west has a 60mph speed limit. Nevertheless, the variable width of the road and its many bends mean that in general safe driving requires keeping to speeds below the limit. The road narrows to a single lane width about 90m north east of the appeal site, as it begins its descent into Trawden village. On entering the village the speed limit reduces to 30mph. Third parties have also indicated that at certain times the single track section of Burnley Road causes traffic to back up, although this is not a problem which can be attributed to the use of the appeal site.
12. The effective visibility splays at the access gate are less than those which would be required if applying the guidance in Manual for Streets 2 (MfS2)¹. Visibility at the entrance gate is restricted by trees on the highway verge to the north east, and by the boundary wall of New Laith Farm to the south west. However, MfS2 also advises that unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem. I found that visibility towards the site entrance is adequate, with a view of more than 50m in both directions giving other drivers time to react to vehicles entering or leaving the appeal site. The site access is adjacent to a vehicular access to New Laith Farm and the two have similar, albeit not identical, visibility along the road.
13. The number of additional traffic movements arising from the change of use of the appeal site is small, averaging fewer than one per day. Some of the information before me about the current limited need for vehicular access relates to the particular circumstances of the appellant and his family, and how they use the site. However, even if those circumstances were to change, for example if the site were to be sold, its capacity to accommodate animals is limited by its small size and consequently it appears unlikely to me that the site would ever generate more than a small increase in vehicle movements. I therefore consider that the access is safe and suitable for its intended purpose.
14. No turning or parking area is provided within the appeal site, although the information before me indicates that very few vehicles need to enter the pens. The site is sufficiently large that those vehicles which do need to enter are able to turn around and leave the site in a forward gear. The road outside the site is wide enough and visibility good enough that traffic is able to pass a parked vehicle, provided that drivers slow down in order to do so safely. Taking these points together I am satisfied that the lack of a dedicated turning and parking area is not detrimental to highway safety.

¹ Manual for Streets 2, Chartered Institution of Highways & Transportation (2010)

15. Although third parties raised concerns about the volume and speed of traffic using the road at certain times, no evidence has been provided of any road accidents taking place along this stretch of the road. I do not consider that the change of use has significantly altered the situation. I note that Lancashire County Council, as highway authority, did not object to the development on highway safety grounds. I am also mindful of the advice in the Framework, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
16. Taking all these factors into consideration, I conclude that the change of use is not harmful to highway safety. It therefore complies with Policy ENV4 of the PLPCS, which among other things seeks to ensure that development does not have an adverse impact on the safety of the highway network, as well as the relevant parts of the Framework.

Other Matters

17. The appeal site lies within the Trawden Forest Conservation Area, and I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The 2005 Assessment of the Special Historic and Architectural Interest, Character and Appearance of the Conservation Area suggests that its interest and significance derives from both the open countryside landscape itself, and from its built heritage, including medieval vaccaries and later copyhold farms. The Conservation Area covers a large area, and as I have already indicated I consider that the shelter is of a size and design which in general terms would be acceptable in the open countryside. The development therefore has a minimal impact on the significance of the Conservation Area, and I am satisfied that its character and appearance is preserved. This lack of harm to the Conservation Area does not, of course, mitigate the harm to the setting of the Listed Buildings which I have identified.
18. Neighbours expressed concern about the effect on their living conditions arising from the storage of manure. Had I been minded to allow the appeal, this is a matter which could have been addressed by the imposition of a suitable condition.

Planning Balance and Conclusion

19. The change of use does not have an unacceptable effect on highway safety. However, the siting of the animal shelter is harmful to the setting of the adjacent Grade II listed building, and this harm must be afforded great weight. Consequently, the development as a whole is not acceptable.
20. The appeal is therefore dismissed.

M Cryan

Inspector