



Appeal Decision

Hearing Held on 8 January 2020

Site visit made on 8 January 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2020

Appeal Ref: APP/E2340/W/19/3237575

Cowfield Farm, Burnley Road, Trawden BB8 8PP

- 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 Robert Airey against the decision of Pendle Borough Council.
 - The application Ref 18/0043/FUL, dated 12 January 2018, was refused by notice dated 20 March 2019.
 - The development proposed is a rural worker's dwelling on a 3 year temporary basis at Cowfield Farm.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given in the Council's decision notice varies from that given in the original application and subsequent appeal documents. I have used the wording as given on the planning application although I have removed elements which do not relate to acts of development. The wording as given in the banner heading above was agreed by the main parties at the Hearing.
3. I saw that the development had commenced and appeared to be substantially complete.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area, with due regard to the Trawden Forest Conservation Area; and
 - If any harm is identified, whether there are public or other benefits relevant to the planning balance.

Reasons

Character and Appearance

5. The appeal site is within the Trawden Forest Conservation Area (CA), the significance of which as a designated heritage asset is set out in the CA

Assessment¹. This indicates that the site is within a 'Moorland Fringe' countryside character area consisting of high level farmland on mainly gentle slopes except where the land descends into steep cloughs and river valleys. This also refers to stone walls, farms, barns and tree planting dominating the higher land, which reflects my observations on my site visit. The historic development of the area is also emphasised, including the medieval vaccaries and the later copyhold farms.

6. The farmstead of Cowfield Farm consists of a mixture of buildings in a broadly linear arrangement. Whilst the farm buildings are generally of a utilitarian appearance and contain a mixture of designs and materials, I saw that they are not uncharacteristic of this area of countryside.
7. When viewed on plan, the proposed dwelling appears as a logical projection of the linear form of the farm buildings. However, due to the topography of the area and nearby features, the visual impact of the building within the landscape varies significantly depending on where it is viewed from.
8. In particular I saw that the building is a prominent and obtrusive feature within the landscape and the CA in views from Burnley Road to the east and from public footpaths in the vicinity of the site. In the view from Burnley Road, the screening effect of landscaping in respect of the main farmstead means that the proposal appears as an isolated building partially projecting above the skyline. When viewed from footpaths approaching the site, the incongruous design and prominent siting leads to an obtrusive feature which the presence of farm buildings to the rear does little to mitigate.
9. The use of wide horizontal wooden boarding for the walls is a non-traditional material which adds to the inappropriate appearance of the building. Whilst there is a building which uses similar wooden boarding in the vicinity, I saw that this was distinctly separate from the appeal site and does not establish a prevailing context for materials in this area of countryside. Reference has also been made to a mixture of materials in development on the edge of settlements, but these are clearly associated with the built extent of settlements and do not justify the materials as used in the appeal proposal in this prominent location.
10. I acknowledge that it may not be reasonable to expect a temporary building to use traditional building materials such as stone. The design and materials used in a temporary building may not reflect vernacular architecture in the area, as is shown by the mobile home located elsewhere on the farm. However, it is important that a temporary building should be sited in an appropriate location which limits its visual impact, even allowing for the use of non-traditional materials. On the basis of the obtrusive location of the proposal within the landscape and the CA, I consider that the Council's concerns in respect of the use of materials and the harm this adds to the proposal are well-founded.
11. I saw that the building had a more acceptable relationship with the farmstead in other views from the wider area, including from the highway to the south. However, the relative lack of harm in other viewpoints does not outweigh the significant harm that arises in the viewpoints identified above.

¹ An Assessment of the Special Historic And Architectural Interest, Character And Appearance Of The Trawden Forest Conservation Area.

12. It is proposed to introduce a native woodland screen to help integrate the building into the landscape. However, this would take time to establish and mindful of the temporary nature of the proposal I consider its screening effect would be limited, even allowing for the use of taller trees. Reference is also made to the potential raising of ground levels to increase the height of the planting, although I consider that this would appear as an artificial feature which would add to the visual impact.
13. The appellant refers to an appeal decision in respect of a wind turbine in the vicinity of the appeal site and which is also within the CA. In allowing that appeal the Inspector identified the characteristics of the CA which give it significance and concluded that these would be retained unharmed. The appellant contends that the same considerations should apply to the appeal before me. However, I note that whilst the Inspector considered that the factors which give the CA its significance would be unharmed, he concluded that the wind turbine would cause less than substantial harm and gave substantial weight to the presumption that harm should not be caused.
14. The appellant has submitted a Landscape and Visual Appraisal (LVA) which concludes that the proposal is not harming the landscape character or visual amenity of the area. I acknowledge that, taken together, considerations such as the temporary duration of the building, its limited scale, visibility in wider views, potential staining of the wood and the softening effect of landscaping could reduce the magnitude of the visual impacts arising from the proposal. However, even allowing for those factors I consider that the incongruous design and obtrusive location of the proposal will not be suitably mitigated.
15. Reference has also been made to the character of the landscape being degraded through detracting features such as modern farm structures, pylons, masts and wind turbines. However, even within this context I saw that the appeal building is an obtrusive feature within the landscape. In respect of the nearby wind turbine, although I saw that this is a prominent feature it does not draw the eye to a degree where the visual impact of the appeal building is substantially diminished. Therefore, whilst I have had regard to the LVA, this does not lead me to a different conclusion in respect of the harm to character and appearance arising from the proposal.

Benefits and Planning Balance

16. It is common ground between the parties that the principle of a temporary agricultural worker's dwelling at Cowfield Farm is justified for a period of 3 years to demonstrate the need for a permanent agricultural worker's dwelling. Based on the evidence before me I see no reason to disagree.
17. However, it has not been demonstrated that there is a need for the siting of the building on this particular location. At the Hearing, the appellant did not identify an overriding operational need for the specific siting of the dwelling. There is therefore a significant possibility that there are other more suitable locations for a temporary dwelling elsewhere on the farm which would meet the needs of this agricultural business. Whilst the proposal would enable the ongoing stewardship of the farming landscape and would have benefits to the rural economy, this could also be achieved by a dwelling in a more appropriate location. Therefore, whilst I am mindful of the agricultural justification for a temporary dwelling on this farm and the associated benefits, these matters do

not justify a dwelling in this specific location and I give these matters no more than limited weight in favour of the appeal.

18. The Council states that it cannot demonstrate a 5 year housing land supply. The proposal would contribute to the supply and mix of housing in the area. However, the benefits arising from a single dwelling would be limited.
19. The National Planning Policy Framework (the Framework) indicates that where local planning authorities cannot demonstrate a five year supply of housing land the provisions of paragraph 11 d) apply. These are that planning permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. As I have identified harm in relation to policies seeking to protect designated heritage assets, that is the case here. The appeal should therefore be decided in accordance with the development plan unless material considerations indicate otherwise.
20. I recognise that dismissing this appeal could lead to disturbance and expense for the appellant through the removal of the dwelling. However, for the reasons outlined above, it is in the public interest that the appeal is dismissed.
21. Drawing the above together, I conclude that the proposal, due to its siting and design, would be harmful to the character and appearance of the area and to the CA. Whilst the harm to the CA would be less than substantial, I attach great weight to the conservation of this designated heritage asset in accordance with the Framework. There are no public or other benefits that would outweigh that harm. The harm to the character and appearance of the landscape would also significantly and demonstrably outweigh the benefits.
22. The proposal would therefore conflict with Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy 2015 which seek to protect and enhance the natural and historic environments as well as achieve quality in design and conservation. The proposal would also be contrary to the Framework with regards to achieving well-designed places and conserving and enhancing the natural and historic environments. Whilst Policy 1 of the Trawden Neighbourhood Plan 2018 refers to permitting development outside settlement boundaries which support agricultural businesses, on the basis of the above this does not outweigh the conflict with other development plan policies in respect of the proposal on this specific location. There are no material considerations which indicate that the policies of the development plan should not be followed.

Conclusion

23. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

Appearances

FOR THE APPELLANT:

Robert Airey
Kieran Howarth MRTPI
Nigel Rockliff CMLI
Robert Black BSc(Hons)

FOR THE COUNCIL

Neil Watson MRTPI
Keith Stephenson
Alex Cameron MRTPI

Documents Submitted at the Hearing

1. Landscape and Visual Appraisal, 6 January 2020.
2. Statement of Common Ground.