
Appeal Decision

Site visit made on 21 January 2020

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2020

Appeal Ref: APP/B2355/W/19/3235715

Farm Hill Farm, Edgeside Lane, Rawtenstall BB4 9TZ

- 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 N Strong against the decision of Rossendale Borough Council.
 - The application Ref: 2019/0245, dated 10 June 2019, was refused by a notice dated 20 August 2019.
 - The development proposed is conversion of agricultural building to a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have also dealt with another appeal Ref: APP/B2355/C/19/3236130 on this site. That appeal is the subject of a separate decision.

Main Issues

3. The main issues in this case are:
 - Whether the proposed development is acceptable in principle in this location, having regard to local and national planning policies;
 - The effect of the development on the character and appearance of the area, including the rural environment/economy; and
 - Whether the development would provide for acceptable living conditions for future occupiers, with particular regard to external amenity space.

Reasons

Acceptable in principle

4. The appeal premises comprise a modern agricultural building which is situated within an area of open countryside above Waterfoot, Rossendale. Access to the building is from Edgeside Lane via a rough single track. The track is quite steep in parts and just under half a kilometre in length.
5. Policy 1 of Rossendale's Core Strategy Development Plan Document, adopted 2011 (CS) seeks to ensure that new development enhances the quality and sustainability of places and individual developments by, amongst other things, maximising access to public transport, walking and cycling to contribute to maintaining and creating sustainable and inclusive communities. Policy 9 of

the CS relates specifically to accessibility and seeks to ensure that new development is concentrated close to main public transport corridors or within 400m of a bus stop with regular services. These policies are consistent with the National Planning Policy Framework (the Framework) which seeks to ensure that opportunities for walking, cycling and public transport are pursued.

6. The site, in its elevated hillside and countryside location is both visually and physically isolated from shops, services and public transport. I appreciate that there is a bus service which passes along Edgeside Lane. However, the service does not run in the evening or early morning. Moreover, the nature and length of the access track from Edgeside Lane to the appeal site, with its unmade surface, steep incline and absence of lighting, does not provide a means of access which would encourage use by pedestrians, particularly in inclement weather and during the hours of darkness. It is not therefore a suitable means by which pedestrians can gain access to those services and places of employment which are required on a daily basis. Nor does the terrain offer opportunities for cycling.
7. The Framework requires housing to be located where it will enhance or maintain the vitality of rural communities, and states that the development of isolated homes in the countryside should be avoided. I have had regard to *Braintree District Council v SSCLG, Greyread Ltd & Granville Development Ltd [2017] EWHC 2743 (Admin,)* and I appreciate that there are some stable buildings at the premises and Farm Hill Farm is situated close by. However, I do not consider that the appeal building is visually or physically related to Farm Hill Farm, and nor does it share the same means of access. Taking into account the position of the existing agricultural building in open countryside, in a location where it is elevated on a hillside above the settlement of Waterfoot, and with the accessibility constraints I have highlighted above, its proposed conversion would result in an isolated dwelling in the countryside. Furthermore, in this location I do not consider that a single dwelling would demonstrably support the local economy.
8. Paragraph 79 of the Framework advises that in certain circumstances isolated homes in the countryside may be acceptable. These circumstances include where the development would re-use redundant or disused buildings and enhance its immediate setting. At the time of my site visit the building was in use for the storage of tools and other ancillary agricultural equipment/vehicles, including wood, building materials, a lawn mower, quad bike and Land Rover body. It is not therefore a dis-used building. In addition, given the agricultural land associated with the building and upon which some sheep and horses are being kept, it seems to me that a building in this location with the agricultural land associated with it is not redundant. Moreover, the existing portal frame building sits comfortably within its landscape setting and has an affinity with its agricultural surroundings. In contrast, the proposed conversion of this utilitarian building into a dwelling would be contrived by the incorporation of domestic style fenestration. Its resultant appearance would not respond to local distinctness and the development would be incongruous within its agricultural setting and isolated location. Consequently, the proposed development would not enhance its immediate setting.
9. I conclude that the proposed development would not be acceptable in principle in this location, having regard to local and national planning policies. I find

conflict with the development plan, and in particular with Policies 1 and 9 of the CS and the Framework, the aims of which are set out above.

Character and appearance

10. The existing building is utilitarian in appearance having been designed and constructed for the purposes of agriculture. Thus, despite its isolated and prominent hillside location, its design and materials of construction do not appear incongruous in this location. Moreover, the buildings existing agricultural use and appearance respond to its immediate environment and rural setting.
11. The proposed development would introduce additional openings into the building. The proposed fenestration would be domestic in its design and appearance and would jar with the existing uncomplicated design characteristics of this building. Even though the upper walls of the building would be clad in larch boarding, the resultant appearance of the building would detract from existing simple form and utilitarian appearance. I appreciate that the proposed dwelling would have a tightly drawn curtilage. However, there would undoubtedly be a domestication in the appearance of the site with an increase in light pollution, parking of vehicles and other domestic paraphernalia. The proposal would erode the natural environment and agricultural characteristics of this part of the landscape and have a harmful effect on its appearance.
12. I appreciate that there is no evidence to suggest that the conversion of this building to a dwelling would result in pressure for further agricultural or other buildings on the land. I also recognise that the Council is likely have some control over any future development. However, I have not been provided with any substantive evidence that would lead me to conclude that this modern agricultural building is not suitable for or needed to support and contribute to the existing economic needs of the rural environment. Indeed, the loss of an agricultural building in this location would significantly undermine the ability of the appeal site and land currently associated with it to contribute to the rural economy.
13. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area and the rural environment and economy. It would conflict with Policy 21 of the CS and guidance set out in the Council's Conversion and Re-use of Buildings in the Countryside Supplementary Planning Document, adopted 2010, which seeks to ensure that the rural environment and economy is protected and enhanced. I also find conflict with Policies 18, 23 and 24 of the CS which seek to ensure, amongst other things, the highest standard of design that respects and responds to local distinctiveness and positively contributes to the landscape.

Living conditions

14. The Council are concerned that the proposed dwelling, which has a been designed with a small curtilage, would not provide sufficient outdoor amenity space for future occupiers of property.
15. The space provided would accommodate parking for two cars with additional space of a sufficient size to dry clothes and provide some outside seating. I appreciate that a three-bedroom dwelling would normally benefit from a larger

garden area for outdoor play than that proposed in this instance. However, given the open aspect from the property and its location within an area countryside, the living conditions for future occupiers is not likely to be oppressive in this location. However, I do understand the Council's concern over possible encroachment of domestic paraphernalia into the surrounding countryside.

16. However, on balance I consider that the proposed development in this location would provide for acceptable living conditions for future occupiers and there would be no conflict with the Framework's requirement to provide a high standard of amenity for existing and future users.

Other Matters

17. I appreciate that the Highway Authority has not raised any objections to the development. However, the absence of harm to highway safety does not carry any positive weight in the planning balance.
18. I have had regard to the other decisions made by the Council and on appeal, which have been referred to me by the appellant. However, those decisions are not directly comparable to this case which I have determined on its own merits.
19. I recognise that the Government introduced permitted development rights which allow for the conversion of agricultural buildings to dwellings in certain circumstances. However, this proposal is not permitted development and therefore must be determined in accordance with the development plan. I therefore give this consideration little weight.

Planning Balance

20. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
21. Paragraph 11 of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. Policies 1 and 9 of the CS seek to ensure that new development is sustainably located, whilst Policies 18, 21, 23 and 24 of the CS seek to protect the natural and built environment. I have found that the proposal would be contrary to these policies. The development would not be sustainably located and would also cause significant harm to the character and appearance of the area and the rural environment and economy. These policies are consistent the Framework whose key objectives include the need to protect the natural environment and to minimise pollution. Because of this, the policy conflict should be given significant weight.
23. Balanced against this is the contribution to the supply of housing, to which I give moderate some weight. Taking everything into account, I consider that

the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 11 of the Framework does not indicate that permission should be granted. The presumption in favour of sustainable development does not apply.

Conclusion

24. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR