



Appeal Decision

Site visit made on 11 November 2019 by Hilary Senior BA(Hons) MCD MRTPI

by Mr A Thickett BA (Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th February 2020

Appeal Ref: APP/B2355/W/19/3236875

Caravan, Cobb Clough Farm, Todmorden Road, Bacup, OL13 9UZ

- 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 & Mrs S Thomas against the decision of Rossendale Borough Council.
 - The application Ref 2019/0268, dated 24 June 2019, was refused by notice dated 4 September 2019.
 - The development proposed is a replacement dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for replacement dwelling at Caravan, Cobb Clough Farm, Todmorden Road, Bacup, OL13 9UZ in accordance with the terms of the application Ref 2019/0268, dated 24 June 2019, subject to the conditions set out in the schedule attached to this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is accessed by an unadopted single track road, Oakenclough Road which is also a public footpath, and is in countryside overlooking Bacup. The property is a static caravan which has been extended and covered with a roof structure. There is an enclosed area around the caravan used as an informal garden. It benefits from a Lawful Development Certificate for the erection of a structure and its use for residential purposes ¹. In the vicinity of the site is a collection of large agricultural buildings and other domestic and agricultural paraphernalia.
5. The character of the area is open moorland with irregular fields enclosed by dry stone walls with dispersed plain, simple farm houses and agricultural buildings.

¹ 2017/0556 18 December 2017

The buildings in the proximity of the appeal site are agricultural. The farmhouse at Lower Reaps Farm is some distance away from the proposed replacement dwelling and cannot be seen from the proposed location.

6. The proposal meets the guidance in Alterations and Extensions to Residential Properties Supplementary Planning Document (SPD) for extensions to residential properties in the countryside as it would be less than a 30% increase in size over the existing lawful structure. Although there is no such guidance for replacement dwellings, the figure of 33% is used by the Council as a rule of thumb. The scale of the proposal is therefore acceptable. There is also no objection to the replacement of the existing structure. However, the Council is concerned with the design of the proposed dwelling and the formality of the garden area.
7. The Council argues that the design of the proposed bungalow '*would be more common to a housing estate within the urban boundary*' and '*introduce a harmful urbanising influence into an area of open countryside*'. The proposal is for a single storey dwelling of a plain and simple design constructed from natural stone to the walls and slate to the roof. It would be akin in style, size and construction to a modest farmworkers style dwelling and, in my view, its design would be in keeping with its rural surroundings. It would replace the existing structure and other adjacent storage containers, which have a temporary appearance.
8. The appearance of the outdoor amenity areas, boundary treatments and parking areas are important to ensure that the proposal is not incongruous within the landscape and harm the rural character of the area. This concern is recognised by the appellant, who has suggested a condition requiring details of the hard and soft landscaping, boundary treatments and car parking arrangements be imposed, should the appeal be allowed.
9. For the reasons outlined above, I conclude that, subject to a landscaping condition as proposed by the appellant, the proposed development would not harm the character and appearance of the area. It would therefore comply with Policies AVP2: Strategy for Bacup, Stacksteads, Britannia and Weir, 1- General Development Locations and Principles, 18- Biodiversity, Geodiversity and landscape Conservation, 23- Promoting High Quality Design and Spaces and 24- Planning Application Requirements of the Rossendale Core Strategy Development Plan Document (2011) which together seek to protect and enhance the rural environment by restricting development that is harmful to the countryside and promote high quality design.

Conditions

10. I have considered the conditions suggested by the Council. I have attached a condition relating to time limits a condition specifying relevant plans, and details of external materials to provide certainty.
11. I have also included a condition requiring details of the outdoor amenity space, car parking, landscaping and boundary treatments as discussed above, to ensure that the proposal does not harm the rural character of the area.
12. As the existing dwelling is serviced, including drainage, it is not considered necessary to impose a drainage condition.

13. I have neither seen nor read anything to suggest that the site is contaminated and consequently do not consider that conditions relating to contaminated land are necessary.

Conclusion and Recommendation

14. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

A Thickett

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Submitted application form, Location Plan, Proposed detached 2 bed dwelling, drawing number CC-08-02-18, amended 03-07-19
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no CC-08-02-18, amended 03-07-19 and application form 2019/0268.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. boundary treatment;
 - ii. vehicle parking layouts;
 - iii. hard surfacing materials;
- b. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied