
Appeal Decision

Site visit made on 10 March 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2020

Appeal Ref: APP/B2355/W/19/3243986

Land opposite 257 Edgeside Lane, Waterfoot, Rossendale, Lancashire BB4 9TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr N Strong against the decision of Rossendale Borough Council.
 - The application Ref 2019/0537, dated 14 November 2019, was refused by notice dated 23 December 2019.
 - The development proposed is the construction of up to 3 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the site address from the Council's Questionnaire as this is a more precise description of the site location.
3. For clarity, the Council's first reason for refusal, and the Historic England listing description, refers to two of the referenced listed buildings as being located on Edgeside Road. They are, however, located on Edgeside Lane.

Background

4. As explained in the Planning Practice Guidance (the Guidance) and the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order), the permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of this first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.
5. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the construction of up to 3 dwellings at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the above referenced Order and the Guidance.

Main Issues

6. The main issues are the effect of the proposed development on 1) the setting of listed buildings nos. 332 and 334 Edgeside Lane and Lane Ends Farmhouse and Barn, and 2) the character and appearance of the area.

Reasons

Setting of listed buildings

7. There are three listed buildings in close proximity to the appeal site, each being grade II. The listed buildings nos. 332 and 334 Edgeside Lane, are closest to the appeal site and are separated from it by an access track and a sloping piece of land. The other listed building, Lane Ends Farmhouse and Barn is further from the appeal site, on the opposite side of the road and is separated by a park and other residential buildings. The special interest and significance of these buildings is greatly informed by their rural setting and their architectural and historic interest as buildings dating back several centuries with the survival of key features.
8. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 193 of the National Planning Policy Framework (2019) (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
9. In relation to nos. 332 and 334 Edgeside Lane, these buildings, which abut each other, are both three storeys in height and are set back from the main road by a small area of open space which contains a large mature tree. To one side of these buildings is a steep sloping parcel of land containing some landscaping and exposed rock and earth, that is not part of the appeal site. To the other side of these buildings is an unlisted pair of semi-detached residential properties.
10. The buildings are experienced from a long section of Edgeside Lane, including from opposite and adjacent to the appeal site where views across the currently open grassland contribute to the countryside setting. At certain locations on Edgeside Lane, the appeal site forms the immediate foreground of the views towards the buildings. Although neither of these buildings look directly towards the appeal site or are readily visible from it, and the sloping nature of the appeal site partially restricts these views from certain locations, it is still possible to appreciate the buildings in their countryside setting. Thus, the appeal site in its current form makes an important contribution to the setting and significance of the listed buildings.
11. Although an application of this nature may only consider the location, land use and amount of development proposed, with the detailed design, including siting, being considered at the technical details stage, the proposed development would result in up to three dwellings on the appeal site. Regardless of their design or siting, the development would erode the openness of the countryside and reduce the attractive views towards nos. 332 and 334

Edgeside Lane. Furthermore, it would bring a marked change in the use of the land from agricultural to residential, further extinguishing the rural environment in which the listed buildings are experienced. Therefore, there would be a negative effect on the setting of nos. 332 and 334 Edgeside Lane and harm to their significance.

12. In relation to Lane Ends Farmhouse and Barn, this is a two storey, detached building, located on the corner of the junction between Edgeside Lane and Park Road with detached bungalows on either side. It is further from the appeal site than nos. 332 and 334 Edgeside Lane. This listed building is on the opposite side of the road to the appeal site. There is a park on the intervening land that contains a number of mature trees along its boundary with Edgeside Lane that obscures views between the appeal site and this listed building.
13. Due to the distance between the appeal site and Lane Ends Farmhouse and Barn, combined with significant intervening tree planting obscuring views between the two, I consider that the location of the development would have a neutral impact on the setting of the listed building.
14. The harm to the significance of nos. 332 and 334 Edgeside Lane would be less than substantial but still significant given the attractive views across the appeal site towards the listed buildings. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal.
15. The proposed development would provide social benefits in terms of up to three new houses in a borough where the Council accepts it cannot demonstrate a five-year housing land supply. It would also help to support local services and facilities and provide investment in terms of its construction. However, although the cumulative contribution of small housing sites to overall housing provision can be significant, given the limited number of houses proposed in this instance (up to 3), these public benefits only carry modest weight overall. They would not be sufficient to outweigh the harm to the significance of nos. 332 and 334 Edgeside Lane as listed buildings.
16. Therefore, the proposal would not preserve the special interest or setting of nos. 332 and 334 Edgeside Lane and would result in harm to the significance of these listed buildings. It would be contrary to Policy 16 of the Rossendale Core Strategy (2011) which requires, amongst other things, that the settings of historic assets will be safeguarded and secured by ensuring that all development is located in a way that respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context.
17. The proposal would also be contrary to guidance contained in the Framework which requires, amongst other things, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation, and that identified harm should be weighed against the public benefits of a proposed development. Finally, it would not preserve the setting of the listed buildings as required by Section 66(1) of the LBCA Act, but instead would be harmful. This carries considerable weight and importance to my decision.

Character and appearance

18. The appeal site comprises what is, almost, a rectangular shaped plot of undeveloped land. It is situated immediately adjacent to Edgeside Lane, running between two access tracks. It is currently open grassland, characterised by its notable incline. It forms the start of a large area of open countryside that extends beyond the rear of the site. The site sits above, and behind, a long and unbroken, section of dry-stone wall.
19. The site is designated as countryside and serves to bring the rural edge right up to the boundary of the highway that runs through the area. Unlike the opposite side of Edgeside Lane, which is predominantly developed with residential properties, the side on which the appeal site is located is predominantly undeveloped, maintaining its open countryside form. Such undeveloped areas of land are positive characteristics of the area. This strengthens the significance and contribution of the site to forming a clear and distinct boundary between the developed urban, and undeveloped rural areas of the area. There are some intermittent groups of dwellings, including a Church, on this side of Edgeside Lane. These sporadic developments demonstrate the fragility of the interface along the road, despite them being secondary to the main characteristic of this side of Edgeside Lane, that being undeveloped open countryside.
20. In consideration of the location and the land use proposed, I find that the proposed residential development of the site, regardless of its appearance, would harmfully erode the open countryside nature of the site which positively contributes to the character and appearance of the area. The development would inevitably alter the steep sloping, undeveloped, open grassland nature of the site that is a pleasant feature of the area that clearly distinguishes between the developed and undeveloped part of the area, forming part of the rural-urban interface.
21. The use of the land for residential purposes would result in a clear change in the nature, use and character of the site. Although specific details are not before me, the proposal would inevitably involve comings and goings of residents and their vehicles, use of outdoor spaces for relaxing, playing, and socialising. Such an incursion of residential use into the open countryside would harmfully erode the rural character of the site and the clear severance between the developed and undeveloped parts of the area.
22. Whilst each application and appeal must be treated on its individual merits, allowing the appeal could be used in support of similar schemes on the other undeveloped pieces of land on this side of the road that front onto Edgeside Lane. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the shared characteristics with other sites in the area. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would also contribute to an overall harm to the character and appearance of the wider area which I have described above.
23. The proposal would therefore have a harmful effect on the character and appearance of the area. It would be contrary to Policies 1, 18, 21, 23 and 24 of the Rossendale Core Strategy (2011). Collectively, these policies require that development should; enhance and protect the countryside, be restricted to

existing rural settlement boundaries, and maintain the relationship between the urban areas and countryside, particularly at the rural-urban interface.

24. I do not however find that the proposal would be contrary to Policy AVP3 of the Core Strategy. This largely strategic policy outlines how the Council will achieve its vision for Waterfoot, Cowpe, Lumb and Water. I do not find that the appeal proposal would prevent implementation of these strategic aims.
25. The proposal would also be contrary to guidance contained in the Framework which requires, amongst other things, that decisions should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes and recognise the intrinsic character and beauty of the countryside.

Other Matters

26. The appellant has referred to the Council's statement in a separate appeal¹ where the Council commented that they will look favourably on sites adjoining the existing urban boundary. Due to the lack of any formal examination or consultation for the above approach, I give little weight to this comment for the purposes of determining this appeal.

Planning Balance

27. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission, including an application of this nature, must be determined in accordance with the development plan unless material considerations indicate otherwise.
28. As noted above, the Council accepts in its appeal statement that it is not possible to demonstrate a five-year housing land supply at present. 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, 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 proposed.
29. As I have found that the conflict with policy in the Framework relating to heritage assets, as outlined in paragraph 196, provides a clear reason for refusal, the presumption in favour of sustainable development does not apply to this appeal. The development would result in harm to the setting of listed buildings and the character and appearance of the area contrary to a number of policies from the development plan as referenced above.

Conclusion

30. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

¹ APP/B2355/W/16/3149055