
Appeal Decision

Site visit made on 28 May 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2020

Appeal Ref: APP/Z2315/W/19/3242325

Lane House Farm, Burnley Road, Cliviger, Burnley BB10 4SU

- 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 R Storton against the decision of Burnley Borough Council.
 - The application Ref APP/2018/0577, dated 30 November 2018, was refused by notice dated 16 August 2019.
 - The development proposed is the erection of a building to provide two holiday cottages, access, parking and ancillary works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether proposal would accord with the strategic development requirements of policy SP4 of Burnley's Local Plan (LP); (ii) the effect of the development on the landscape character and appearance of the area; and (iii) whether the proposal would accord with the business and tourism requirements of policy EMP5 of the LP.

Reasons

Policy SP4

3. It is proposed to erect a two-storey pair of semi-detached, two-bedroom, stone built holiday homes for letting purposes. Each would have two car parking spaces, a covered jacuzzi area and outside amenity space.
4. The evidence indicates that the land previously included an agricultural building. However, the site is now essentially open apart from the construction of some foundations/footings: there is no dispute between the parties that the latter development is not associated with development approved as part of a planning permission. Immediately to the north of the site there is a recently approved stone built detached dwelling and beyond that there is the complex of buildings associated with Lane House Farm. All of the aforementioned existing development is closely related to the otherwise mainly ribbon development fronting Burnley Road.
5. The appeal site falls outside of the defined development boundary for Holme Chapel in the LP. It is about 20 metres from this boundary and falls within land defined as open countryside in the LP. Policy SP4 of the LP states that *'in the*

open countryside development will be strictly controlled'. I do not read this policy as imposing an absolute restriction on development in the countryside, including tourism accommodation. Policy SP4 seeks to 'support' development in small villages such as Holme Chapel, but that does not mean that tourism development could not, in land-use principle, be located in open countryside.

6. For the reasons outlined above, I therefore conclude that whilst the proposed development would fall outside of the development boundary of Holme Chapel, this in itself does not mean that the proposal would automatically conflict with the development strategy aims of policy SP4 of the LP.

Character and appearance

7. In the main, the village of Holme Chapel is linear in form and follows Burnley Road through the valley. Whilst Lane House Farm and its associated buildings are positioned behind the mainly linear form of development in the village, the buildings nonetheless have a tight knit form. Overall, the land to the rear of the mainly linear development along Burnley Road is predominantly an open, rural and undeveloped landscape sloping down to the River Calder. This pleasant rural setting adds positively and distinctively to the character and appearance of this part of Holme Chapel.
8. I acknowledge that there was previously an agricultural building on the appeal site, although that building is no longer in situ. There is new development adjacent to the appeal site in the form of a detached dwelling. Whilst the proposed holiday let building would not be too dissimilar to the neighbouring dwelling in terms of its scale and design, owing to its position it would have the effect of extending domestic development into the countryside. In this respect, it would unacceptably erode the otherwise more open and rural landscape that exists to the rear of the mainly linear development on Burnley Road. In reaching this view, I note that the Council's reference to the appeal site forming part of land marked as '*ancient enclosure*' in Lancashire County Council's Landscape Character Assessment. Indeed, and as part of my site visit, I was able to see a marked landscape character contrast between development within defined development boundary and beyond it.
9. The above adverse countryside effects would be compounded by the fact that the overall development would be very domestic in appearance and would include an extension of the existing tarmac access road, the parking of further vehicles, covered jacuzzi areas and likely other domestic paraphernalia. Owing to the position, scale and appearance of the development, it would therefore significantly detract from the essentially and predominantly open and rural character of this countryside location. The development would therefore represent a harmful encroachment into the otherwise more open and rural part of the wider landscape setting.
10. Views of the proposed development would be more localised (the nearest public footpath is about 200 metres away) and it would be particularly conspicuous when viewed from the rear of property Nos 375 to 383 Burnley Road and from the mainly open long rear gardens associated with Nos 385 and 387 Burnley Road. In this case, I do not consider that limited long range public views of the development would outweigh the need to achieve well designed development appropriate to its landscape context.

11. I conclude that the proposal would cause significant harm to the landscape character and appearance of the countryside. Consequently, the development would not accord with policy NE3 of the LP which requires development proposals to respect landscape character, or with paragraph 170 (b) of the National Planning Policy Framework which states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Policy EMP5

12. As part of the planning application submission, the appellant submitted a '*planning justification incorporating business plan strategy*' (the Strategy). I have taken this into account as part of the determination of this appeal. It is proposed to establish a new holiday let business on the appeal site and to this extent policy EMP5 of the LP is relevant. Number 1 of policy EMP5 states that '*tourist facilities in the open countryside*' will be supported where all of detailed criteria a) to f) are met.
13. I have already found that the proposal would cause significant harm to the landscape character and appearance of the countryside. As I have found conflict with policy NE3 of the LP, there is therefore also conflict with policy EMP5 which says that new business proposals should '*meet the other relevant policy requirements of the plan*'. Furthermore, the proposal would not accord with 1 e) of policy EMP5 which states that new business proposals should be '*in-keeping in terms of their scale and character with the surrounding landscape*'. There would also be conflict with 1 d) of the policy in so far that whilst the development would be close to the defined development boundary for Holme Chapel, it would nonetheless not be '*immediately adjacent*' to it.
14. The appellant contends that number 2 of policy EMP5 is not relevant in so far that the site is not in '*wider open countryside*'. I have not been provided with a definition of wider open countryside. However, I have found that the appeal site is not '*immediately adjacent*' to the development boundary and consequently, and as a matter of fact and degree, I consider that it does therefore fall within wider open countryside. Consequently, and in addition to meeting all of the requirements of 1 a) to f) of the policy, it is also necessary for the proposal to accord with either 2 a) or 2 (b) of the policy.
15. Neither the appellant's Strategy, nor any other comments made by them, satisfies me that the proposed facility is of a specialist nature or that there is a clear need for it to be located as applied for or indeed that it is close to an existing tourism asset. Therefore, I cannot conclude that the proposal would accord with 2 a) of policy EMP5. Furthermore, I do not doubt that the proposal would, to a limited extent, add to the Borough's tourism offer. However, the appellant has not provided sufficient detail/information to justify why there would not be suitable sites to accommodate the proposal within the defined development boundaries as per 2 b) of policy EMP5. I acknowledge that foundations/footings are already on the appeal site and that this would to some extent minimise construction costs. However, this does not in itself justify departing from the requirements of policy EMP5.
16. I therefore conclude that the proposal would not accord with the business and tourism requirements of policy EMP5 of the LP.

Conclusion

17. The proposal would cause significant harm to the landscape character and appearance of the countryside and would not accord with the business and tourism requirements of policy EMP5 of the LP. These are matters of overriding concern and I therefore conclude that the appeal should be dismissed.

D Hartley

INSPECTOR