
Appeal Decision

Site visit made on 1 June 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/B2355/W/19/3244004

Windyridge, Helmshore Road, Helmshore, Rossendale BB4 4AE

- 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 and Mrs S McGuinness against the decision of Rossendale Borough Council.
 - The application Ref 2019/0522, dated 5 November 2019, was refused by notice dated 12 December 2019.
 - The development proposed is permission in principle (stage 1) for up to 1 dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for permission in principle (stage 1) for up to 1 dwelling at Windyridge, Helmshore Road, Helmshore, Rossendale BB4 4AE in accordance with the terms of the application, Ref 2019/0522, dated 5 November 2019.

Procedural Matter

2. The appeal proposal is for a Permission in Principle. In accordance with the Planning Practice Guidance (the Guidance) and the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order), this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development (first stage) from the technical detail (second stage). The appeal proposal is at the first stage and therefore I have considered the principle of the scheme. The scope of the first stage is limited to location, land use and the amount of development. As such, I have regarded all elements of the drawings submitted as indicative.

Main Issues

3. The main issues are whether the site represents an appropriate location for up to 1 dwelling, having particular regard to the effect on the character and appearance of the area and access to services and facilities.

Reasons

Character and appearance

4. The appeal site forms part of the garden of Windyridge and is positioned in between the host property and a neighbouring dwelling. It is bounded to the front by a stone wall and planting. Together, the pair form a small group of

- residential properties surrounded by open countryside. As a result, although located in the countryside, the appeal site has the character and appearance of a domestic garden.
5. The land surrounding the 2 properties and the appeal site is undeveloped countryside of a markedly different character. As such, the proposal would not facilitate any incremental growth into the surrounding undeveloped countryside.
 6. I recognise that the introduction of a dwelling in this location would result in built form where there was none, would fill the gap in between the 2 existing properties and would be clearly visible from the public realm. However, the appeal site size is of sufficient size to accommodate a dwelling and retain a reasonable amount of soft landscaping. Moreover, the development would be located within the domestic surroundings of Windyridge rather than on a field or paddock. Any additional urbanising from the building, access and accompanying domestic paraphernalia would be minimal and the houses would continue to be viewed as a small group. As such, the proposal would not greatly diminish views along the road
 7. Furthermore, there is no reason to suggest that an appropriate appearance and layout could not be secured at the second stage. Accordingly, I do not share the Council's concern that any new dwelling on the appeal site would erode the open rural character of the countryside.
 8. As such I consider that the proposal would not have a harmful effect on the character and appearance of the area. The proposal would therefore comply with the requirements of policies 1, 18, 23 and 24 of the Council's Core Strategy Development Plan Document (CS) (adopted 2011). These policies seek, amongst other things, high quality design that responds to local context, distinctiveness and character. The proposal would also comply with the requirements of paragraphs 127 and 170 of the National Planning Policy Framework (the Framework) which seek, amongst other things, that decisions contribute to, and enhance, the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.

Accessibility of services and facilities

9. It is common ground between the parties that the appeal site lies beyond the settlement boundaries for Haslingden and within open countryside for planning purposes, however, would not amount to an 'isolated home'. I agree, and it would not therefore fall to be considered under Paragraph 79 of the Framework.
10. Haslingden is a large town with a wide range of services and facilities and is one of the principal towns in the area targeted for growth by the Council. The appeal site is within walking distance to the settlement boundary along a footpath which is in part lit. I recognise that this footpath is narrow close to the appeal site however, for much of its route it has a good width.
11. There is a bus stop which provides an hourly service 6 days a week to Haslingden. I recognise that occupants of the property would need to cross the road to reach the bus stop and its distance is more than the Council's recommended distance. However, it is still a reasonably short walk and I have

no substantive evidence of any safety risk or problems faced by occupants of existing properties that may also use the service and cross the road.

12. Although I recognise that occupants of the proposed property are likely to use private vehicles, there are alternative options available, with both walking, bus and cycling possible. As such, occupants would not be wholly reliant on private vehicles. Moreover, any trips to the town centre in a vehicle would be over a short distance. Nonetheless, I recognise that occupants would be likely to have a greater use of private vehicular journeys than alternative, more sustainable forms of transport.
13. As such, the proposal would not have particularly good access to services and facilities and would bring conflict with the objectives of Policy 9 of the Council's CS. This policy stipulates, amongst other things, that the User Transport Hierarchy will form the basis for consideration of all applications. The proposal would also bring conflict with the objectives of paragraph 110 of the Framework which states, amongst other things, that development should give priority first to pedestrian and cycle movements.

Other Matters

14. Concerns have been raised regarding the potential effects on the occupiers of the neighbouring property with particular reference to privacy. This property is located to the side of the appeal site and there is no reason to suggest that an appropriate layout could not be secured at the second stage that maintains the privacy of the neighbouring property.

Planning Balance

15. The Council has confirmed that it cannot currently demonstrate a 5-year housing land supply. The relevant policies of the development plan are therefore out-of-date and the so-called 'tilted balance' applies to this case. This indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. I have concluded that the proposal would not have a harmful effect on the character and appearance of the area. However, I have also concluded that the site's location would mean a higher use of private transport than sought by the development plan. Nonetheless, Haslingden is a sustainable settlement, is a short distance from the appeal site and there would not be a complete reliance on private transport. As such, in my view, there would be modest harm resulting from the site's location.
17. In its favour, and in accordance with the Framework, the scheme would make an efficient use of the land and would result in an additional dwelling close to a settlement with many services and facilities. As such, there would be a small amount of social and economic benefits associated with the dwelling. Whilst the contribution to the supply of housing would be small, it is nonetheless a positive benefit in its favour.
18. I therefore find in this instance that the identified modest harm would not significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. Applying paragraph 11 of the Framework, the

scheme therefore benefits from the presumption in favour of sustainable development.

19. Although the proposal would be contrary to the development plan in terms of its conflict with the objectives of Policy 9 of the CS, there are material considerations in this case that justify taking a decision otherwise than in accordance with the development plan.

Conclusion

20. I note the Council's position regarding matters it considers should be submitted at the second stage. However, such matters are not for me to assess as part of this appeal. No conditions are applicable, as the Guidance makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development.
21. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.

Robert Walker

INSPECTOR