

# 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: 15 June 2020**

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**Appeal Ref: APP/B2355/W/19/3243911**

**Land off Goodshaw Lane, Crawshawbooth, Rossendale (Easting: 381414, Northing: 426037)**

- 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 Dave Topham against the decision of Rossendale Borough Council.
  - The application Ref 2019/0430, dated 27 September 2019, was refused by notice dated 4 November 2019.
  - The development proposed is stage 1 Permission in Principle: Application for up to 4 no. self-build dwellings.
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Mr Dave Topham against Rossendale Borough Council. This application is the subject of a separate Decision.

## Procedural Matter

3. 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, 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. 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 Issue

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

## Reasons

5. The appeal site is a small field off Goodshaw Lane (the Lane). There is a distinct change in the character between the housing on the west side and the more rural east side of the Lane. The east side, where the appeal site is located, is characterised by open fields, interspersed with sporadic houses and farms. Fields between buildings along the Lane provide connections and views to the wider undulating rural landscape.

6. This contrast, between the different sides of the Lane, results in a semi-rural character, forming part of a transitional landscape. Although containing some dilapidated buildings, the appeal site makes a positive contribution to this landscape as a predominantly open field.
7. Although only the principle is sought, the proposal would inevitably lead to a significant change in the character and appearance of the appeal site, from an open field with low-key structures, of a type and form in keeping with the countryside, to residential built form.
8. When viewed from the public right of ways to the south and east, the appeal site is prominently located in an elevated point in the landscape. From these footpaths the housing to the west of the Lane is not prominent due to the change in ground level and tree coverage. Development of the appeal site would therefore be seen, from these footpaths, more in combination with the existing, sporadic built form on the east side of the Lane, than the housing to the west.
9. My attention has been drawn to an appeal which was allowed for a dwelling near No 121 Goodshaw Lane (No 121). The proposal would be seen, on a higher ground level, in combination with the approved dwelling, if built, and No 121. Although there would be a gap, the proposal would significantly reduce the more sporadic nature of the built form, that characterises this side of the Lane.
10. Even below the maximum of 4 dwellings proposed, development on this prominent site would result in an incremental erosion of the semi-rural landscape. This would be evident from, and harmful to, both close views along the Lane and views from the public right of way network to the south and east.
11. I recognise that the appeal site is not major development and is not located to the west of Burnley Road, where development is restricted by Policy AVP4 of the Council's Core Strategy Development Plan Document (CS) (adopted 2011). However, this policy also stipulates that the natural environment will be protected and enhanced in line with policies 17 and 18 of the CS. To this end, I find that there would be significant harm to the character and appearance of the surrounding area.
12. As such, the proposal would conflict with the requirements of Policies AVP4, 1, 18, 21, 23 and 24 of the CS. These policies seek, amongst other things, high quality design that responds to local context, distinctiveness and character. The proposal would also conflict with the requirements of paragraph 127 and 170 of the National Planning Policy Framework (the Framework). These 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.

### **Planning Balance**

13. I note the appellant's references to several paragraphs of the Framework including, amongst others, the presumption in favour of sustainable development set out in paragraph 11. It is common ground between the main parties that the Council 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 stipulates that

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.

14. I note the appellant's references to the Self-Build and Custom Housebuilding Act 2015 (as amended) (the Act) and recognise that the proposal would contribute towards the Council's shortfall in provision. To this end, I also note the letter of support indicating demand in the local area. I am, however, mindful that it is not possible to secure such plots using a S106 planning obligation at the first stage, where my consideration is restricted to location, land use and amount.
15. Nonetheless, even as self-build housing, given the modest scale of development proposed, the associated social and economic benefits would be reasonably limited. Such benefits would be significantly and demonstrably outweighed by the harm, given the nature and extent of harm that would be caused by the development, as outlined in the main issue section. I have come to this conclusion having regard to the importance that the government places on boosting the supply of housing, the delivery of self-build homes, locating and building sustainably and making effective use of land.

### **Other Matters**

16. In addition to the appeal allowed near No 121, my attention has been drawn to an application which was approved by the Council for a dwelling on land at Folly House. However, my concerns do not relate to the principle of development outside of the settlement limits, but to the extent of the effect of the proposal on the character and appearance of the surrounding area. Although it is to the east of the Lane, the character of that site contrasts with the appeal site, being on a lower ground level in a less prominent position on land that appears, in part, garden land. As such, the circumstances that applied to that case are not directly comparable to those before me.
17. Concerns regarding the processing of the application, including inconsistencies in decision making, are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal before me.
18. I have also had regard to third party representations made, raising a series of other concerns. However, as I am dismissing the appeal on other grounds, I have not pursued these matters further.
19. Although I note its reservations, the Council does not consider that permission in principle would harm the setting of any listed building in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and I have no reason to disagree.

### **Conclusion**

20. The proposal would not represent an acceptable form of development in principle as it would result in significant harm to the character and appearance of the surrounding area. For the reasons set out above, the proposal would conflict with the development plan and Framework when read as a whole.

21. Overall, even with the weight afforded to the Act and benefits of the proposal, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.

22. The appeal is therefore dismissed.

*Robert Walker*

INSPECTOR