



Appeal Decision

Site visit made on 28 July 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 24th August 2020

Appeal Ref: APP/Z2315/W/20/3248937

Land between Hill Farm and Copucobana, Halifax Road, Briercliffe, Burnley, Lancashire BB10 3QS

- 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 Steve Fisher against the decision of Burnley Borough Council.
 - The application Ref PIP/2020/0032, dated 20 January 2020, was refused by notice dated 26 February 2020.
 - The development proposed is construction of up to three high quality dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As explained in the Planning Practice Guidance (the PPG), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 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 the 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.

Main Issue

3. The main issue in this case is whether the proposal would constitute an appropriate amount of development in this location.

Reasons

4. The appeal site is an area of grazing land towards the end of a short ribbon of residential development on the south side of Halifax Road. It is within the settlement boundary of Lane Bottom, a small settlement primarily located on the northern side of the road at this point and developed around Stirling Court. The appeal site has a wide road frontage and it is open to the rear, forming a continuous part of the undeveloped countryside beyond the settlement.
5. Policy SP4 of Burnley's Local Plan Adopted July 2018 (the LP) sets out the Council's locational development strategy based on the hierarchy of settlements. In this context, Lane Bottom is one of the small villages, with a basic range of services and reasonable public and private transport links. Such settlements are appropriate locations for small scale housing schemes. Consequently, within the settlement boundary, new development will be

- supported where it is of an appropriate type and scale and where it meets a number of criteria relating to efficient use of land, accessibility to services, and residential amenity.
6. Notwithstanding that the appeal site is visually and functionally part of the countryside, it is within the settlement boundary. Therefore, its development for housing is acceptable in principle.
 7. The part of Lane Bottom that includes the Stirling Court housing development is characterised by relatively closely spaced single and 2 storey properties of similar ages, styles and materials. In contrast, the properties along Halifax Road are more varied including modern single storey dwellings, a traditional short terrace and a converted traditional barn. In this regard, the immediate context for the appeal proposal is detached dwellings set in generous grounds.
 8. The submitted plans illustrate that the appeal site is similar in size to the residential plots to either side. However, in contrast to the neighbouring substantial detached properties, the development of the appeal site for up to 3 dwellings would result in a high density of housing. Consequently, the proposal would be an uncharacteristic form of development that would not relate well to the surrounding built development and rural context.
 9. I accept that 3 dwellings could be constructed as a short terrace, and therefore one building. Nevertheless, the site would be subdivided to form separate gardens, car parking and manoeuvring areas and there would be domestic paraphernalia associated with several dwellings. Therefore, even if the scheme was proposed to be delivered in one building, and in the absence of any plans to illustrate otherwise, 3 dwellings would be an uncharacteristically dense, and therefore not an appropriate amount of, development in this location.
 10. Therefore, although it would be a small scale housing development, the proposal would not be of an appropriate scale in the surrounding rural settlement context. It would not be an appropriate amount of development. It would conflict with the housing aims of Policy SP4 of the LP.

Other matters

11. Planning permission for residential development at this site has been refused previously, including on appeal. On the basis of the limited information provided, I cannot be certain that the previous schemes, including the earlier policy context, are directly comparable to the appeal scheme. In any case, each scheme must be considered on its individual merits.
12. The National Planning Policy Framework states that development should optimise the potential of the site to accommodate an appropriate amount of development. In this respect, the efficient use of land takes into account a range of factors including the desirability of maintaining an area's prevailing character. Therefore, policies that support the efficient use of land do not support the delivery of high density housing, including terraced dwellings, where this would not be an appropriate amount of development.
13. Various concerns have been raised by third parties including in relation to highway safety, drainage, biodiversity and accessibility. However, the PPG is clear that the permission in principle consent route is a 2 stage process that separates the consideration of matters of principle from the technical details.

Therefore, these matters do not fall within the scope of consideration at this first stage and I have not taken them into account in reaching my decision.

Conclusion

14. I have found that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. For this reason, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR