
Appeal Decision

Site visit made on 1 September 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2020

Appeal Ref: APP/B2355/W/20/3252621

Lee Farm, Stubbylee Lane, Bacup OL13 0EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr J Thorpe against the decision of Rossendale Borough Council.
 - The application Ref 2020/0134, dated 14 March 2020, sought approval of details pursuant to condition Nos 1, 4, 5, 6, 7, 8, 9, 10 and 11 of planning permission Ref 2019/0226, granted on 2 August 2019.
 - The application was refused by notice dated 12 May 2020.
 - The development proposed is 1 bungalow.
 - The details for which approval is sought are: appearance, landscaping and scale.
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Decision

1. The appeal is dismissed.

Background

2. Outline planning permission was sought and granted by the Council on 2 August 2019 ('the outline scheme') for access and layout details, with all other matters reserved for future consideration. Condition No 2 on the decision notice for the outline scheme lists the approved plan (Ref: JT-15-04-19). While the appellant suggests that the approved plan was illustrative, no such labels are present on the version before me. Nor do I have the associated Planning Statement for the outline scheme before me. Thus, there is no scope for me to reconsider access or layout details as they have already been dealt with.
3. The reserved matters application that is subject of this appeal seeks approval for appearance, landscaping and scale. The scheme also seeks to address the requirements of condition Nos 1, 4, 5, 6, 7, 8, 9, 10 and 11 that were imposed on the outline scheme. Accordingly, the appeal scheme has been advertised as a "reserved matters application (including appearance, landscaping and scale) pursuant to outline approval 2019/0226 for the construction of a bungalow".

Reasons

4. The layout shown on the proposed site plan (Ref: JT-28-10-19-A) is not consistent with the approved plan for the outline scheme. Notably, the proposed site plan shows that the bungalow would be provided and situated differently in relation to open spaces around it and the site's boundaries while the hardstanding around the bungalow would differ from the approved plan. The changes are particularly evident on the eastern side of the site. While

'scale' is a matter before me in this appeal, in terms of the height, width and length of the bungalow, this does not change the fact that the layout within the site edged red of the proposed development would not be consistent with that granted through the outline planning permission.

5. I have therefore little option other than to dismiss the appeal, notwithstanding the merits of the scheme insofar as scale, landscaping and appearance or the details submitted to address the conditions listed above. Furthermore, points raised by the parties about a separate scheme dismissed at appeal, and the intended occupants of the bungalow and their living conditions, and the nearby listed building do not alter the outcome of this appeal. I note the points raised about the agricultural workers condition imposed by the Council on the outline scheme, however it is not within the scope of this appeal to consider the merits of this condition.

Conclusion

6. For the reasons set out above, I conclude that appeal is dismissed.

Andrew McGlone

INSPECTOR