



## Appeal Decision

Site Visit made on 30 November 2020

**by Alison Partington BA(Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> December 2020**

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### **Appeal A Ref: APP/B2355/W/20/3258863**

**Land adjacent to 51 Bankside Lane, Bacup OL13 8HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr R Kay against the decision of Rossendale Borough Council.
  - The application Ref 2020/0029, dated 17 January 2020, was refused by notice dated 16 July 2020.
  - The development proposed is the erection of 6 no. bungalows with associated access and works.
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### **Appeal B Ref: APP/B2355/W/20/3258875**

**Land adjacent to 51 Bankside Lane, Bacup, OL13 8HJ**

- 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 Kay against the decision of Rossendale Borough Council.
  - The application Ref 2020/0030, dated 17 January 2020, was refused by notice dated 16 July 2020.
- The development proposed is the erection of 1 no. three-bedroom bungalow and detached garage, with associated works.
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## **Decision**

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

## **Procedural Matter**

3. The application in Appeal A was submitted in outline with access and layout to be determined at this stage. I have determined Appeal A on this basis treating any plans that show details relating to the scale and appearance of the dwellings or the landscaping of the site as illustrative.

## Main Issues

4. The main issues in Appeal A are:

- Whether or not the site represents a suitable site for housing having regard to its location in an area designated as Greenlands;
- The effect of the proposal on the character and appearance of the area; and
- The effect of the proposal on highway safety having particular regard to the proposed access and parking.

5. The main issues in Appeal B are:

- Whether or not the site represents a suitable site for housing having regard to its location in an area designated as Greenlands; and
- The effect of the proposal on the character and appearance of the area.

## Reasons

*Whether or not the site represents a suitable site for housing (Appeal A & B)*

6. The appeal site is a field used for grazing located to the rear of the houses that front Bankside Lane. It slopes down from this road to a wooded bank that drops sharply down to the A681 – one of the main roads into and out of Bacup. To the southern side of the site, for some distance, are other open fields, whilst woodland lies to the north. This gives the hillside an open and rural character despite being relatively close to the centre of the town. This is a fact that can most readily be appreciated from the opposite side of the valley.
7. The site lies within the urban area as defined by the *Core Strategy Development Plan Document 2011 – 2026 (adopted November 2011)* (CS) where Policy 1 indicates that the majority of development should take place. However, most of the site is also designated as “Greenlands” in the CS. This forms part of the area’s Green Infrastructure which Policy 17 of the same seeks to protect and enhance.
8. The appeal schemes would see the site developed in total for 7 dwellings. These would be accessed utilising the vehicular access to the field adjacent to No 51. The 6 dwellings proposed in Appeal A would be positioned either side of a new access road that would run north- south through the middle of the site, so that the dwellings would be parallel to those on Bankside Lane. The bungalow proposed in Appeal B would form part of the easterly row of buildings
9. Policy 17 does not give detailed guidance on what forms of development may or may not be appropriate in areas designated as Greenlands but seeks their continued protection and resists the fragmentation of the network by new development. It also requires any new development to improve access to, and the quality of, the Green Infrastructure and maximise the environmental risk management benefits of these areas where possible.
10. The site forms part of a much wider ‘wedge’ of green space that spreads out from close to the centre of the town in a southerly direction. Whilst the appeal site may only represent a small part of this the proposals would nonetheless result in the permanent loss of this area of Greenland rather than protecting it. The cumulative impact of small scale developments ‘nibbling’ away at parcels of

land would seriously undermine the integrity of the area and undermine the objective of the policy.

11. The Habitat Survey indicates that at present the site is species poor. Appeal B is accompanied by a landscaping scheme but landscaping is a reserved matter in Appeal A. An appropriate landscaping scheme could result in improvements to the biodiversity of the site. It is suggested that this could also include improvements to the land to the east also owned by the appellant, and water holding areas to reduce water flows. However, full details of these are not provided which limits the weight I can give them and some of this work on the wider landholding could take place irrespective of the appeal proposals.
12. Overall, whilst the recommendations in the Habitat Survey would be a benefit and would be in line with some of the criteria of Policy 17, I consider they would not outweigh the harm the schemes would cause through the permanent loss of this area to housing whether this would be one dwelling or six.
13. As such, having regard to its designation as Greenlands, I consider that the site would not represent a suitable site for housing and would be contrary to Policy 17 of the CS outlined above.

*Character and appearance (Appeal A & B)*

14. Bankside Lane is a residential road containing a wide variety of different types and ages of housing. Whilst the occasional house such as Bankside View sits behind other housing, the majority front onto the road, creating a long linear finger of development on the hillside. To the east of this row of housing, dropping down the hillside, the land consists of open fields and wooded areas with only sporadic isolated buildings.
15. The creation of two rows of dwellings behind the housing on Bankside Road as proposed in Appeal A would be out of keeping with this prevailing form of development. Together with the associated access road, hardstanding, gardens and potential outbuildings the scheme would significantly alter the character of the area and would represent a significant incursion of urban development into this area of open land.
16. The single dwelling proposed in Appeal B would be set much further to the east than the nearby Bankside View and would not relate well to the existing housing in the area. With a detached triple garage and a large area of hardstanding around the garage this too would be an incongruous, urban form of development that would not sit comfortably in the midst of this area of open land with its distinctly rural character.
17. I accept that the developments would not be that visible from Bankside Lane itself, apart from within the houses abutting the site. However, they would be clearly visible from the footpath to the north of the site and in views across the valley whether that be from the houses on this hillside or from roads such as Rockcliffe Road. Even though this may not be classified as an important view, in such views, the incongruous character of either proposal would be readily apparent.
18. Whilst planting might be able to be used to mitigate some of this impact, this would take some time to mature sufficiently to screen the developments from view. Moreover, I would imagine that in order to enjoy the panoramic views possible from the site, future occupiers may seek to limit the height of any

such vegetation, which would negate the screening impact it might be able to have.

19. Consequently, I consider the proposals would both unacceptably harm the character and appearance of the area. They would therefore both be contrary to Policies 18, 23 and 24 of the CS which seek to ensure developments avoid harmful impacts on the natural environment and respect and contribute positively to local distinctiveness and character. They would also conflict with the *National Planning Policy Framework* (the Framework), in particular Paragraph 127 which requires development to be visually attractive, sympathetic to local character and maintain a strong sense of place, and Paragraph 170 which seeks to ensure that the natural and local environment is enhanced, including through recognising the intrinsic character and beauty of the countryside.

#### *Highway Safety (Appeal A only)*

20. The development would utilise the existing field access from Bankside Lane but this would be widened, surfaced and would have footways added to both sides. This would require the demolition of the existing garage at the side of No 51, but this property also has garaging and parking at the rear which could continue to be accessed from the new road into the site. As such this dwelling would continue to have adequate levels of off-street parking.
21. The appearance of the dwellings is a reserved matter and so it is not clear whether they would all have integrated garages or not. However, the layout plans show an area of hardstanding to the front of each property which would provide off-road parking. If necessary, the plots are large enough to ensure 2 spaces per dwelling would be able to be provided, as well as there being sufficient space for bins to be put out on collection day. These matters could be secured by condition. Whilst I note the current parking issues on Bankside Lane, I am satisfied that the scheme would not add further to this.
22. I note the concerns regarding the visibility splays but am satisfied that a condition could be used to ensure that nothing over 1m was allowed within these, ensuring adequate visibility would be provided. The amendments needed to the turning head are such that they too could be dealt with by condition.
23. Local residents have raised concerns regarding the nature and capacity of Bankside Lane. The road is steep and narrow in places, but the Highways Authority have not raised concerns regarding the impact of the scheme on the functioning of the local highway network. Given this, and the limited number of vehicle movements a scheme of this size would create, I consider it would not have an adverse impact on the functioning or capacity of the network.
24. Therefore, I consider that Appeal A would not have an unacceptable impact on highway safety. In this respect there would be no conflict with Policy 9 of the CS which seeks to ensure the accessibility of developments or paragraph 109 of the Framework which requires that developments should not have an unacceptable impact on highway safety.

#### **Other Matters**

25. A new Local Plan is currently at examination and in this the appellant has indicated that the Greenlands designation is to be replaced by Green Infrastructure (Policy ENV5). It is stated that at the examination the release of

some Green Infrastructure to meet the housing need of the borough is being considered and the Environmental Network Study which forms part of the evidence base for this new Local Plan establishes that this site could be suitable for partial release. Be that as it may, the plan is still at examination stage and may be subject to main modifications as part of that process. Therefore, I can give this only limited weight.

26. The town centre, which has a good range of shops and facilities as well as public transport connections, is in distance terms not far from the site. However, in places the steepness of the road between the two, means that many occupiers would be unlikely to walk or cycle between the two. As a result, I consider future occupiers would be largely reliant on the private car to access services and facilities which would be contrary to the Framework's aims of encouraging sustainable forms of transport (paragraphs 91 and 110).

### **Planning Balance and Conclusion**

27. It is not disputed that the Council cannot demonstrate a 5 year housing land supply with the latest figures showing a 2.1 year supply based on the CS figures or a 3.2 year supply based on the emerging Local Plan. In either case this is a significant shortfall and is clearly a matter of considerable weight. In such circumstances the Framework (paragraph 11 d) ii) indicates that proposals should be granted permission unless the adverse impacts would significantly and demonstrably outweigh the benefits.
28. In total the two appeal schemes would create 7 dwellings which would make a small contribution to the housing supply in the district. The development, both through the construction phase and through the spending of future occupiers, would bring some benefits to the local economy, although given the size of the scheme these benefits would be limited. Overall, I give these social and economic benefits moderate weight.
29. Landscaping of the site could provide biodiversity benefits but as the landscaping of the majority of the site is a reserved matter the scale of this benefit is not known at this stage and so I only give it limited weight.
30. I have found the proposal would not be detrimental to highway safety but any absence of harm in this regard is a neutral factor. However, the site's location would make future occupiers reliant on the private car. This weighs against the proposal and I give it modest weight in the balance.
31. I have found that the proposal would be contrary to the area's designation as Greenlands and would unacceptably harm the character and appearance of the area, contrary to CS Policies 17, 18, 23 and 24 and paragraph 127 and 170 of the Framework.
32. In this case, I consider that the adverse impacts would significantly and demonstrably outweigh the benefits of either scheme both individually or cumulatively.
33. For the reasons set out above, I conclude both appeals should be dismissed.

*Alison Partington*

INSPECTOR