The Planning Inspectorate

Appeal Decision

Site visit made on 8 December 2020

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 13th January 2021

Appeal Ref: APP/E2340/W/20/3258852
Ridgaling, Pasture Lane, Barrowford, Lancashire BB9 6RA

- 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 and Mrs G Coates against the decision of Pendle Borough Council.
- The application Ref 19/0943/FUL, dated 26 November 2019, was refused by notice dated 05 March 2020.
- The development proposed is erection of two-storey dwelling to include extensions and alterations to former dairy building.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The development is described in the application form as change of use of agricultural building (former dairy) to a dwelling house, including the conversion, extension and alteration of the building to provide living accommodation. On the basis of the extent of works to the building, the parties agreed to alter the description of the development. I have adopted the amended description from the decision notice in the banner heading above.

Main Issues

3. The main issues are:

   i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

   ii) The effect of the proposal on the openness of the Green Belt;

   iii) Whether the location is suitable for new residential development, having regard to local and national planning policy for housing; and

   iv) If the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not inappropriate development in the Green Belt

4. The appeal building is a former dairy parlour with a garage extension. It is located adjacent to a complex of rural buildings at Ridgaling Farm. It is in the countryside and the Green Belt.

5. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of listed exceptions.

6. Paragraph 145 c) is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

7. In this case, while the garage is a later addition to the building, it replaced an earlier structure used as a tractor shed. The parties agree that the original building is the dairy building and the former tractor shed, but there is a dispute in relation to the size of the original building.

8. The resolution is too poor to accurately measure the tractor shed from the 1960s aerial photographs, but these illustrate a low pitched roof structure in the same location as the garage and that was less than half the width of the dairy building. On this basis, in the absence of substantive evidence such as original plans, there appears to be little robust basis for the very precise external dimensions of the building used in the calculations, including the width, height and volume of the tractor shed. There is also a lack of clarity and consistency in terms of the measurements and dimensions, including wall heights, used to compare the former dairy building and the 2 storey part of the dwelling.

9. On the basis of the evidence before me, there is considerable uncertainty about the increase in size of the original building. However, even allowing for the former tractor shed to be larger than the garage, it seems likely that the proposal would represent somewhere of the order of a 50% increase in the volume of the building. Neither the Framework nor the development plan define what is meant by 'disproportionate' such that this will be a matter of judgement on a case by case basis. In this case, the large increase in the size and hence the volume of the building would be a disproportionate addition. Therefore, the proposal would not meet the exception in paragraph 145 c).

10. Paragraph 145 d) is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The proposed residential dwelling would not be in the same use as the former agricultural building and it would be materially larger than the existing building. The proposal would not meet the exception in paragraph 145 d).

11. Therefore, the proposal would not meet the exceptions in the Framework for new buildings in the Green Belt. Consequently, it would be inappropriate development in the Green Belt. It would conflict with Policy SDP2 of Pendle Borough Council Local Plan Core Strategy Adopted December 2015 (the LP) and the policies in the Framework that protect the Green Belt.

12. My attention has been drawn to paragraph 146 of the Framework in relation to certain other forms of development that are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 146 d) is the re-use of buildings provided that the buildings are of permanent and substantial construction. Although the proposal would re-use a building of permanent and substantial construction, by virtue of the extensions and alterations it must also be considered under the exception in paragraph 145 c), which it fails to meet.

Openness of the Green Belt

13. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.

14. In this case, the increase in the footprint of permanent development would result in a small spatial loss of openness. From the surrounding area, including nearby public rights of way, the proposal would be seen in the context of the adjacent built development. Nevertheless, there would be a significant visual impact as a result of the increase in the bulk of the building, hard standing, boundary treatments, the storage of bins, the parking of cars and domestic paraphernalia.

15. The combined spatial and visual impacts would collectively fail to preserve the openness, resulting in a small loss of openness of the Green Belt. The proposal would be inappropriate development in the Green Belt, in conflict with policy ENV2 of the LP and the policies in the Framework that protect the Green Belt.

Whether the location is suitable for new residential development

16. The building is part of a loose aggregation of rural dwellings and buildings in this area including Ridgaling Farm house and Ridgaling House and Cottages. The nearest settlement is the rural village of Roughlee.

17. Policy SDP2 of the LP sets out the Council's spatial development strategy. This seeks to direct development towards the settlements, in accordance with and in proportion to the role and function of the particular settlement. Rural villages are the smallest type of settlement, where development primarily to meet local needs will be accommodated. Outside of the settlements, in the countryside, development will only be permitted where it meets exceptions in the Framework or the development plan. The proposal is not of a type that attracts specific policy support.

18. The Council's locational strategy is consistent with the rural housing aims of the Framework including in relation to supporting housing development that reflects local needs and locating housing where it will enhance or maintain the viability of rural communities, including through support for local services.

19. Roughlee is approximately 600 metres away via a steep and unsurfaced right of way across a field or 1.2 km away via the long access road and Pasture Lane. The access road, although surfaced, is narrow with no footway or lighting. Pasture lane is an unlit rural road with no footway and subject to the national speed limit. However, although Roughlee is not within a convenient or safe walking distance, it would be accessible by bicycle. Even so, the limited range of services and facilities would not provide for the reasonable daily needs

of future occupiers. Therefore, the proposal would not minimise the need to travel and there would be an increase in private car journeys.

20. Notwithstanding the distance to services and facilities, the proposal would not be remote from built development including other dwellings. The proposal would not result in the creation of an isolated home in the countryside, which the Framework seeks to avoid.

21. Therefore, the location is not suitable for new residential development, with particular regard to local and national policies for rural housing. It would conflict with Policies SDP2 and ENV4 of the LP. These seek, among other things, to locate development in the existing settlements in accessible locations that minimise the need to travel and to avoid the creation of new homes in the countryside. It also conflicts with the rural housing aims of the Framework.

Other Considerations

22. The Council cannot demonstrate a 5 year supply of deliverable housing sites (5YHLS). Evidence submitted to the appeal indicates a shortfall of approximately 1.7 years. One dwelling would make a minimal contribution to the supply of housing, which carries limited weight in favour of the proposal.

23. The proposal would make a minimal contribution to the local economy, including during construction and through support for local services. There would be negligible social benefits and it would make a negligible contribution to the vitality of rural communities. These matters carry very limited weight in favour of the scheme.

24. The appeal site is in the Trough of Bowland Area of Outstanding Natural Beauty. The Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas. In this case, the proposal was not refused on grounds relating to landscape and scenic beauty and I see no reason to disagree. This is a matter that carries neutral weight in the balance.

Green Belt balance

25. I have concluded that the proposal would be inappropriate development in the Green Belt. It would result in a small loss of openness of the Green Belt. In accordance with the Framework, these matters attract substantial weight. The conflict with the Council's aims for rural housing is a harm that weighs against the proposal.

26. The Framework states that inappropriate development should not be approved except in very special circumstances. In this case, there are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

27. Paragraph 11 d) of the Framework sets out that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development. The specific policies referred to are listed in footnote 6 and include those relating to land designated as Green Belt.

For the reasons set out above, the policies that protect the Green Belt provide a clear reason for refusing the development.

28. Therefore, irrespective of the shortfall in the 5YHLS, the appeal should be dismissed.

Sarah Manchester

INSPECTOR