



Appeal Decision

Site Visit made on 5 January 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal Ref: APP/B2355/D/20/3255893

Lower House Barn Burnley Road East, Rossendale, BB4 9PX

- 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 Lee Ashworth against the decision of Rossendale Borough Council.
 - The application Ref 2020/0188, dated 27 April 2020, was refused by notice dated 10 July 2020.
 - The development proposed is new garage building associated with main residence.
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Decision

1. The appeal is allowed and planning permission is granted for new garage building associated with main residence at Lower House Barn Burnley Road East, Rossendale, BB4 9PX in accordance with the terms of the application, Ref 2020/0188, dated 27 April 2020, subject to the conditions in the schedule attached to this decision.

Procedural Matter

2. The Council has confirmed that their reference to Policy C21 of the Core Strategy Development Plan Document: The Way Forward (2011-2026), adopted 2011 (the Core Strategy) in the decision notice was in error. As such, I have not had regard to it in this decision.

Main Issue

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

Reasons

4. The appeal site lies within the established domestic curtilage of a converted barn, accessed from a private lane, partly set into a hillside, with a public right of way running to the front. The proposed garage would be constructed against a backdrop of higher land to the rear. Coupled with the clearly domestic appearance of the proposed location, with parked cars and domestic paraphernalia, I consider that the proposal would be consistent with the established domestic character of the site and its immediate surroundings. As the site is already used in connection with the residential use of the converted barn, I do not consider that the scale, nature and location of the proposal would give rise to any impression of encroachment into otherwise open countryside. To my mind the site is clearly visually and functionally separate from what could be considered the more open and rural countryside beyond the existing boundaries, which the proposal does not seek to change.

5. Whilst the proposal will clearly be visible from the public right of way which runs through the site, I consider that the separation between the established domestic parts of the site and the open, rural countryside elsewhere would remain clear. I do not consider that the proposal would fundamentally alter or harm that distinction.
6. The appellant has suggested that the proposal could be constructed in stone to match the main dwelling. However, the Council has requested that any permission be conditional on the use of materials specified on the drawings. Timber-faced outbuildings of the scale and form proposed are not unusual in such a setting, and in light of its location, character and relationship to the converted barn, I am satisfied that the use of the materials shown on the drawings is acceptable and appropriate.
7. The proposal would not therefore result in any unacceptable encroachment of built development into the open countryside and would not cause harm to the open and rural character or appearance of the area. I therefore consider that the proposal accords with Policies 1, 18, 23 and 24 of the Core Strategy. These seek, amongst other things, to ensure that development complements and enhances its surroundings, avoids harmful effects on the natural environment, promotes a high standard of design, protects important local and long-distance views, and is compatible with its surroundings. The proposal is also consistent with the aims of the National Planning Policy Framework (the Framework) in seeking to achieve good design and to conserve and enhance the natural environment.

Conditions

8. I have had regard to the requirements of the Framework, the Planning Practice Guidance and the conditions suggested by the Council. I have imposed standard conditions concerning commencement (1), and compliance with the submitted plans (2), in order to ensure the satisfactory appearance of the completed development. The Council requested materials be controlled by a separate condition, but this detail is specified on the plans.
9. The Council also requested a condition which to restrict permitted development rights in order to ensure that the garage is kept available for the parking of cars. Whilst I note the comments of the appellant that there is parking space available elsewhere on the site, I agree that it would be reasonable, necessary and clearly justifiable to ensure that the garage were not converted to another use without planning permission in future, as this could simply serve to displace the storage which the application seeks, and lead to further proliferation of both outbuildings and outdoor storage on the site. I have however amended the wording of the condition suggested by the Council to make it clearer. I am therefore satisfied that the conditions imposed meet the tests in, and requirements of both the Framework and the PPG.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

S Dean

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans, including the materials specified thereon:
2020-01101; PL100 Rev A, PL101, PL102 Rev A.
3. The garage hereby approved shall not be converted to any other use or purpose otherwise permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

End of schedule of conditions