
Appeal Decision

Site visit made on 8 February 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/Z2315/W/20/3262079

Banks Barn, Sparrable Row, Banks Street, Lane Bottom, Briercliffe

- 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 Martin Collins against the decision of Burnley Borough Council.
 - The application Ref COU/2019/0645, dated 20 December 2019, was refused by notice dated 5 August 2020.
 - The development proposed is conversion of garage/ancillary domestic space to a separate dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the appeal site is suitable for a new dwelling, having regard to national and local policies and the proposal's effect upon the character and appearance of the site and the wider rural landscape setting.

Reasons

4. The appeal building is a single storey four bay garage located within a cluster of former farm buildings which have largely been converted to habitable accommodation. The site is accessed via a single track road leading off Halifax Road, which runs between open fields and also serves the adjacent properties.
5. The appeal site lies outside the development boundary of Lane Bottom, which is identified as a small village for the purposes of Policy SP4 of Burnley's Local Plan (July 2018) (the LP). This policy seeks to direct development to the towns of Burnley and Padiham, as well as to the main and small villages set out within the settlement hierarchy to this policy.
6. Within the open countryside, LP Policy SP4 states that development will be strictly controlled. The supporting text to this policy goes on to note that development in the open countryside will only be permitted where it has a genuine need to be located in the countryside and is of an appropriate scale and type.

7. In this regard Policy EMP6 of the LP supports the re-use and conversion of existing buildings outside of the development boundaries to new uses subject to certain criteria being satisfied. Although the Council consider that this policy is not of relevance to the proposal, I disagree; there is no requirement for the building to be in an isolated location, or that its current use has ceased as suggested by the Council.
8. I consider that the proposal would involve the re-use and conversion of a building of permanent and substantial construction, the new use could be accommodated without major extension and that services and access can be provided, in accordance with the criteria set out in LP Policy EMP6.
9. However, the proposed conversion, whilst respecting existing openings, would introduce overtly domestic features, particularly the vast amount of glazing to the front elevation in place of the former large door openings. Moreover, the proposed extension would be a modern, domestically designed addition and would not respect the agricultural appearance of the building. Accordingly, the proposal would unduly detract from and interrupt the simple linear form and agricultural appearance of the building and its clear, ancillary relationship to the adjacent dwelling.
10. Furthermore, due to its substantial scale and upland setting, the building's ancillary association with the adjacent dwelling and its former agricultural purpose is readily discernible, not only up close along various public vantage points but also from afar. Whilst the building is read within the cluster of adjacent built form, its separate residential use, residential garden and likely associated domestic paraphernalia would significantly erode the predominantly agricultural appearance of the site and the contribution that it makes to the rural landscape. The proposed dwelling would therefore appear at odds with its wider rural character setting, and harm to the character and appearance of the area would result.
11. Moreover, paragraph 78 of the National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.
12. Lane Bottom has a basic range of services, including a place of worship, community hall and a play area. It lacks a range of everyday shops and services. Future residents of the proposed dwelling would therefore have to travel further afield to other settlements for their everyday needs.
13. In order to access these services and facilities, there would be a high probability that the intended future residents would have a high dependency on a private motor vehicle, due to the distance involved and the distance of the appeal site from main roads with pavements and street lighting, which would likely deter walking, particular in inclement weather or after dark. Moreover, there does not appear to be a frequent bus service from Lane Bottom to larger centres. For those that did not have access to a private vehicle, services and facilities in nearby towns and villages would not be accessible. The proposal therefore has poor accessibility to shops and services and given the scale of the proposal it would be unlikely to have a discernible effect on enhancing or maintaining the vitality of the rural community.

14. Given my findings above, I conclude that the appeal site is not suitable for a new dwelling because of the harm that would be caused to the character and appearance of the area; the high reliance that future residents would have on a private vehicle to access even day to day services and facilities, and that it has not been demonstrated that the proposal would enhance or maintain the vitality of rural communities. Accordingly, the proposal conflicts with LP Policies SP4, SP5, EMP6 and NE3 which collectively seek to control development in the countryside and that developments respect and enhance the existing landscape character of the site and its setting. Similarly, it would fail to accord with the Framework, particularly paragraph 78 for the reasons set out above, the social and environmental objectives of paragraph 8, and paragraph 127 c) which requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Conclusion and Recommendation

15. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

H Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR