



Appeal Decision

Site Visit made on 8 June 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/E2340/W/21/3270424

Land adjacent to 82 Esp Lane, Barnoldswick, Lancashire BB18 5SB

- 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 B Moorhouse against the decision of Pendle Borough Council.
 - The application Ref 20/0500/FUL, dated 5 August 2020, was refused by notice dated 4 December 2020.
 - The development proposed is the construction of a single dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Calf Hall and Gillians Conservation Area and the setting of Barnoldswick Conservation Area.

Reasons

3. The appeal relates to a piece of undeveloped land that contains a number of mature trees. It forms a part of a wider network of agricultural fields and is situated adjacent to the front garden area of 82 Esp Lane. The appeal site also sits within the Calf Hall and Gillians Conservation Area (CHGCA) and lies adjacent to the Barnoldswick Conservation Area (BCA).
4. The terms of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to pay special attention to the desirability of preserving the character and appearance of conservation areas.
5. The prevailing character of the CHGCA is rural, with large expanses of farmland and open fields. Whilst the BCA includes the historic core of the town centre and predominantly close-knit residential streets, the density of the built form reduces towards its western boundary as it leads out from the built-up area of Barnoldswick into the undulating farmland of the CHGCA.
6. In so far as this appeal is concerned, and on the basis of the evidence before me, I consider the significance of both conservation areas to derive, in part, from their separate distinctions between the historical rural and urban character at the settlement edge of Barnoldswick. The open rural setting of the BCA therefore clearly contributes to understanding and revealing this significance.
7. Whilst there are terrace properties situated along the northern side of Esp Lane, and some detached bungalows to the east, the appeal site's immediate context is characterised by more spacious rural surroundings at the

- bend in the lane. The undeveloped verdant character and appearance of the appeal site therefore has more affinity with the adjoining open agricultural land form. Along with No 82's front garden area it assists in the transition between the built-up urban form to the open countryside and thereby positively contributes to the significance and rural setting of these heritage assets.
8. It is uncontested between the main parties that the proposal would blur the distinction between the rural fringe to the settlement and the urban area. They are both also in agreement that less than substantial harm, in the parlance of paragraph 196 of the National Planning Policy Framework (the Framework) would occur and I have no substantive reason to disagree with this.
 9. However, the appellant considers that this harm would be on the lower end of the spectrum of less than substantial harm. In this regard, I am mindful that Paragraphs 193 and 194 of the Framework explain that great weight should be given to the conservation of a designated heritage asset, irrespective of whether it amounts to less than substantial harm to its significance, and that any harm, including to its setting, requires clear and convincing justification.
 10. The appellant has put to me that views out towards the west and uninterrupted views towards the end of the CHGCA are not described within the conservation area appraisal as being of significance. I have also been made aware that the appeal site occupies less than a third of the field that it sits within and that only 7% of the plot would be built on.
 11. Nonetheless, I consider this segment of land to serve an important role in the gradual transition from the built form that defines the settlement edge, which when taken together with the front garden of No 82 provides a sense of openness that would be significantly eroded if the appeal was to be allowed.
 12. The increased built form, along with the driveway area, and a range of other potential domestic paraphernalia, including parked cars, washing lines and garden furniture etc in an area where this previously did not exist would inevitably alter its character. Whilst the existing hedgerow and landscaping around the appeal site partially restricts views of the open countryside from some directions, they do not constitute permanent screening as much of this vegetation is deciduous. As such the proposed development on the site would appear more conspicuous in the winter months. The proposed replacement landscaping and dry-stone wall would also not screen the upper sections of the proposed house, which would be clearly visible when approaching from the east, and from a number of neighbouring properties. This intensification of built development and resultant loss of openness would also have a detrimental impact on the rural setting of the BCA.
 13. I therefore find that although the harm that I have identified above would be less than substantial, it would still be significant. Paragraph 196 of the NPPF requires such harm to be weighed against the public benefits of the proposal, and I will turn to these below.
 14. The proposal therefore conflicts with Policies ENV1 and ENV2 of the Local Plan for Pendle: Core Strategy 2011-2030 (adopted 2015) (Core Strategy). Amongst other matters these seek to protect and enhance natural and historic environments and to achieve quality in design and conservation.

Other Matters

15. The appellant has put forward a number of other factors in support of his case. These include the planning officer's recommendation of approval for the original planning application, and the lack of an objection from the Council's conservation officer. It has also been put to me that the Council has not objected to the principle of residential development, that a safe built environment would be provided and that no harm would be caused to listed buildings, biodiversity, geodiversity, landscape or open space and green infrastructure. I have also been made aware that there would be no conflict with other requirements of Core Strategy Policy ENV2. Nonetheless, the absence of harm in these respects, would be neutral factors, that do not weigh in favour of the proposal.
16. The appeal proposal would clearly provide some economic, environmental and social benefits. It would make a contribution to the supply of housing in Barnoldswick, initially bringing employment opportunities during the construction of the house and then for smaller jobs through the provision of services such as maintenance and repairs for occupiers in the future. It would also provide a home to occupiers who would spend and contribute to the local economy. In addition, I note the location of the appeal site relative to Barnoldswick, which is a 'Key Service Centre' and its range of shops, facilities and public transport links. However, given the scale of the proposed housing, any benefits in these respects would be somewhat limited.
17. In reaching my findings, I have also had regard to the earlier appeal for a dwelling at the site (Ref APP/E2340/A/11/2152381). I note that the appellant considers that all of the concerns previously raised by the Inspector have been addressed in respect of plot size, and the siting, design, materials and features of the proposed dwelling. However, for the reasons given above, I continue to find that the scheme conflicts with local and national planning policy.

Conclusion

18. Although the harm caused by the proposal would be less than substantial in Framework terms, it would nonetheless be significant, and any harm caused to a designated heritage asset is a matter that attracts considerable weight and importance. With that in mind, I find that the limited public benefits involved do not outweigh the harm that would be caused to the significance and setting of the heritage assets.
19. As such, the proposal would fail to preserve the character and appearance of the CHGCA and the setting of the BCA. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should therefore be dismissed.

Mark Caine

INSPECTOR