



Appeal Decision

Site visit made on 22 June 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2021

Appeal Ref: APP/B2355/W/21/3268270

Coldwells Cottage, Roundhill Road, Haslingden, BB4 5TU

- 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 Rachel and Andrew Slattery against the decision of Rossendale Borough Council.
 - The application Ref 2020/0565, dated 19 November 2020, was refused by notice dated 2 February 2021.
 - The development proposed is change of use and conversion of store to a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use and conversion of store to a dwelling at Coldwells Cottage, Roundhill Road, Haslingden, BB4 5TU in accordance with the terms of the application, Ref 2020/0565, dated 19 November 2020, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are, firstly, whether the appeal site is in a suitable location for new residential development with regard to its accessibility to services, facilities, and public transport and, secondly, the effect of the development on the character and appearance of the area.

Procedural Matter

3. Pre-commencement conditions are attached to this Decision. As required by Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has agreed to these conditions in writing.

Reasons

Accessibility

4. The appeal site is located in a rural area and is largely surrounded by open countryside. It is accessed via a relatively narrow and unlit road that serves a small number of other dwellings, and is approximately 1,400 metres from the nearest main line bus route.
5. The site has been subject to 2 previous appeal decisions¹ to convert the building to a dwelling, which were published in 2015 and 2017. I attach

¹ Refs APP/B2355/W/17/3167307 and APP/B2355/W/15/3003826 (both dismissed)

significant weight to the previous Inspectors' findings, albeit I note that the previous appeal schemes had very different designs to the current proposal.

6. The Inspector who determined the 2017 appeal stated that "*local services and facilities are accessible from the site*". Moreover, the Inspector for the 2015 appeal stated that the site would "*not be isolated in terms of access to services or facilities*". These comments clearly indicate that the site was regarded as being in a relatively accessible location for a new dwelling. I see no reason to depart from that view.
7. My attention has also been drawn to an appeal decision² at Lee Farm, Bacup. That appeal was dismissed in part due to the site's poor accessibility and the reliance of future occupiers on private car journeys. However, that Inspector stated that the site was on a hillside above the settlement and was accessed via long, steep, and roughly surfaced tracks and lanes. In this regard, the gradient and surface quality of these routes appear to have been factors in her analysis. In any case, there are 2 appeal decisions before me that relate specifically to the current appeal site and reach a clear view on its accessibility.
8. For the above reasons, I conclude that the appeal site is in a suitable location for new residential development with regard to its accessibility to services, facilities, and public transport. The development would therefore accord with Policies 1 and 9 of the Rossendale Core Strategy (2011), which seek to ensure, amongst other things, that new development is in accessible locations.

Character and appearance

9. The appeal building is a relatively substantial structure that is constructed in blockwork with a concrete tiled roof. It is visible across open land and from nearby footpaths and is positioned next to a short row of existing dwellings.
10. The appeal building has a simple form and it sits unobtrusively within its rural setting. There is a large access door to its south-western elevation and smaller openings to the other three sides. The proposed conversion would largely retain the external form of the building, and no extensions or new openings would be introduced. Moreover, the proposed cladding and render finishes would retain the rural appearance of the building and their colour could be controlled by condition. In my view, the proposed design would be sympathetic to the existing building and would largely retain its rural character. Whilst its conversion would inevitably result in some domestication, including through the introduction of parking spaces and domestic paraphernalia, I note that the curtilage has been reduced in size and would mainly be located to the rear of the building. The impact associated with these domesticating features would be limited and not, by themselves, sufficient to withhold permission.
11. I note that both previous appeal decisions at the site were dismissed due to the impact of those proposals on the character and appearance of the area. However, those schemes included extensions and alterations to the building that are described as significantly altering its rural character. That is not the case here.
12. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the area. It would therefore accord with Policies 1, 23, and 24 of the Rossendale Core Strategy (2011) which seek to

² Ref APP/B2355/W/19/3238126

ensure, amongst other things, that new development is of high quality design that responds to local distinctiveness and character.

Other Matter

13. A Bat Survey³ was submitted with the appeal that found no evidence of bats within the building. However, it was considered to have moderate suitability for bats, and further surveys were recommended to be undertaken in the summer months to confirm the absence of bats prior to construction works commencing. This matter is capable of being controlled by condition.

Conditions

14. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. I have also imposed a condition relating to contaminated land, which is necessary in order to ensure that the site is appropriately remediated. In this regard, the historic use of the site (including the storage of machinery) could potentially have resulted in contamination, particularly to the proposed garden area. I have also imposed a condition requiring the submission of further bat surveys in order to ensure that any summer roosts are detected before construction begins. These conditions are pre-commencement in nature as any construction works could disturb contaminants or bats roosting in the building.
15. Further conditions relating to external materials, and the removal of permitted development rights, are necessary in order to protect the character and appearance of the area. A condition limiting the construction working hours is also necessary to protect the living conditions of neighbouring occupiers. Another condition relating to biodiversity is necessary in order to deliver enhancements at the site. Finally, a condition relating to foul and surface water is necessary to ensure that the site is appropriately drained.

Conclusion

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

Thomas Hatfield

INSPECTOR

³ Bat Survey: Preliminary Roost Assessment (Verity Webster, January 2021)

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: Location Plan; CB-15-11-20-A.
- 3) No development shall commence until two evening or dawn bat surveys have been undertaken between 15 May and 31 July by a professional ecologist and the results and recommendations have been submitted to and approved in writing by the Local Planning Authority. The surveys undertaken must follow current good practice guidelines (Collins, 2016). Any necessary mitigation measures identified by the surveys shall be implemented prior to the first occupation of the development.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 30 days of the report being completed and approved in writing by the Local Planning Authority.
- 5) No development involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6) Prior to the first occupation of the development, a scheme demonstrating how a net biodiversity gain will be achieved as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the development.
- 7) Foul and surface water shall be drained on separate systems.
- 8) No construction shall take place other than between the hours of 0700 to 1900 Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays or Bank / Public Holidays.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order with or without modification) no extension of the dwellinghouse, alteration or addition to the roof, porch, nor the provision of any building within the curtilage, as permitted by Classes A-E of Part 1 of Schedule 2 of that order, shall be erected.