



Appeal Decision

Site Visit made on 27 July 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/B2355/W/20/3265542

Fairview Barn, Edgeside Lane, Rossendale, BB4 9TY

- 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 Rightcare Property Investments against the decision of Rossendale Borough Council.
 - The application Ref 2020/0396, dated 20 August 2020, was refused by notice dated 17 December 2020.
 - The development proposed is a single storey side extension and extension of curtilage.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side extension and extension of the outside amenity space associated with the dwelling at Fairview Barn, Edgeside Lane, Rossendale, BB4 9TY in accordance with the terms of the application, Ref 2020/0396, dated 20 August 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Submitted Location Plan;
 - Proposed plans and elevations – drawing no. NS-29-02-20-B.
 - 2) Within three months of the date of this decision, a scheme for the hard and soft landscaping of the site shall be submitted to, and approved in writing by, the local planning authority. The scheme shall provide for:
 - Details of boundary treatments, and
 - Delineation of areas of soft and hard landscaping, including details of materials and planting, which should incorporate a mix of native species.

The approved landscaping scheme shall be implemented within 12 months of the details being approved, and retained thereafter.

Procedural Matters

2. Permission was granted for the dwelling on the appeal site by virtue of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Class Q allows for development consisting of a change of use of a building and any land within its curtilage from an agricultural building to a use falling within Use Class C3 (dwellinghouses). 'Curtilage' is not a use of land and the term is not defined in planning legislation. Insofar as it is referenced in the GPDO it has a specific meaning relevant to certain Classes of permitted development only, which

describes the size and location of the area of land within the curtilage which would change use. The approval under Class Q included a drawing which defined such an area of land within the curtilage of what was then an agricultural building.

3. The description of development in the heading above has been taken from the planning application form, which refers to the proposal as an extension to curtilage. However, that does not describe a material change of use of land or other act of development. Therefore, it is not an accurate description of the proposal before me. It is apparent from the submissions that the proposal seeks to enlarge the area of space to be used for parking, bin storage and a garden in association with the dwelling. This would involve a change of use of land previously used for agriculture. The appellant has referred to the proposal as an increase or extension of amenity space in their submissions, which does describe an act of development, and the Council's decision also refers to amenity space. Therefore, I have considered the appeal on the basis of it being an application for change of use from agricultural land to amenity space.
4. Engineering works have already been carried out to provide a level area around the building. It appears that the intention of the works is to extend the area of outside space for use in association with the dwelling, so the proposal is partly retrospective. However, the area which has been excavated includes land to the south of the building, which is not included within the red line plan. I have therefore assessed the proposal based on the submitted plans, rather than the works carried out on the ground.
5. Since the Council made its decision, a revised version of the National Planning Policy Framework (the Framework) has been issued. Both parties have been invited to comment on any implications that the revised Framework may have on their cases, but have raised no specific points. I am satisfied that the changes in the revised document, including the increased emphasis on design, do not prejudice either party's case, and have assessed the appeal on the basis of the 2021 version of the Framework.

Main Issues

6. The main issues are:

- i) The effect of the proposal on the character and appearance of the area, and
- ii) Whether the proposed outside amenity space would provide satisfactory living conditions for the occupiers of Fairview Barn.

Reasons

Character and appearance

7. Fairview Barn is located in an elevated position on a hillside, surrounded by agricultural land. The landscape is wide and open, with large fields divided by fences or stone walls. The site is accessed via a steep track, some distance from other residential properties fronting onto Edgeside Lane. To the rear of the barn, and at a higher level, is an agricultural building, adjacent to which is a mobile home.
8. The proposed extension to the barn, which has already been converted to a dwelling, would be of an appropriate scale and would retain the simple form of

- the original building, with matching materials. The effect of this element of the proposal on the character and appearance of the site and its wider rural setting would be acceptable.
9. The application made under Class Q of the GPDO for use of the barn as a dwelling, included an area of curtilage to the north side of the building. This was a modest area, reflecting the limitations set out in Class Q. However, approximately half of this area would be occupied by the proposed extension to the dwelling, leaving only enough space to accommodate two parking spaces and bin storage. It is now proposed to provide a larger area of outdoor amenity space around the north and east sides of the dwelling.
 10. The barn has been constructed on a levelled platform and there are areas of hardstanding cut into the hillside around three sides, with stone retaining walls partly constructed. The extent of these engineering works has changed the character of the site, but much of the area of hardstanding, including the access track and areas on the west and south sides of the dwelling, are outside of the proposed amenity space extension and therefore do not form part of this appeal.
 11. The presence of domestic paraphernalia associated with outdoor amenity space has the potential to harm the rural character of the area, and the Council has referred to another appeal decision relating to a site nearby, in which such concerns are raised (appeal ref APP/B2355/W/19/325715). However, unlike in that appeal, the principle of the use of Fairview Barn as a dwelling has already been established. The change from an agricultural to a domestic use will inevitably involve some alteration to the appearance of the site, but due to the elevated position of the site, the proposed area of extended outdoor space is not readily visible from the access track from Edgeside Lane, nor from surrounding public footpaths.
 12. To the north of the building, the extension to the outdoor amenity space would include the area between the dwelling, as proposed to be extended, and the access track serving the agricultural building at the rear. This area is more visible from the immediately surrounding area than the area to the east side of the dwelling, but a retaining wall has partly been constructed between the access track and the proposed curtilage area. As a result, the space is not bound by, and does not appear part of, the surrounding fields.
 13. Photographs provided by the appellant show that there were previously buildings or structures occupying most of the area to the east of the dwelling which is now proposed to be used for outdoor amenity space. The position of this part of the site behind the dwelling means that it is not readily visible from the surrounding area, and the change to amenity space would not cause harm to the wider rural landscape.
 14. The proposed area of outdoor amenity space is not excessive, and would not result in any significant visual intrusion into the wider rural landscape. However, appropriate boundary treatments and a sensitive landscaping scheme would help contain the area, particularly when viewed from the west side of the site. Such measures, which could be the subject of an appropriate condition, would enable the proposal to assimilate into the surrounding agricultural landscape, further limiting any harm to the rural character of the area.

15. I conclude that the proposal would not cause undue harm to the character and appearance of the area. Consequently, the proposal would comply with Policy 1 of the Core Strategy Development Plan Document 2011 (Core Strategy), which seeks to enhance and protect the countryside; and Policy 18, which safeguards landscape character. The proposal would also be consistent with the requirements of Policy 21, which aims to protect the rural environment; Policy 23, which promotes high quality design, and Policy 24 which, amongst other considerations, requires that development be compatible with its surroundings.
16. Similarly, there would be no conflict with the requirement contained in Framework paragraph 130 that development should be sympathetic to local character and landscape setting.

Living conditions

17. In terms of size, the amount of amenity space proposed would be sufficient to provide space for garden furniture, play equipment and drying clothes outside. The area is currently comprised of hardstanding, and the Council has raised concerns about the quality of the proposed outdoor amenity space, but there is no reason why the space could not provide an attractive area, and details of hard and soft landscaping could be secured through an appropriate condition. The garden area would be contained within retaining walls so could feel somewhat enclosed, but the property is located within an area of open countryside with wide vistas across the valley and to the hills beyond, so the living space would not feel oppressive.
18. I conclude that, with an appropriate landscaping scheme, the proposal would provide satisfactory living conditions for the occupiers of Fairview Barn. It would meet the requirement in Core Strategy Policy 23 for safe and attractive private spaces; and the need to protect residential amenity set out in Policy 24. The proposal would be consistent with the requirement for a high standard of amenity for existing and future users contained in Framework paragraph 130.

Conditions

19. I have imposed a condition specifying plans in the interests of certainty. A condition requiring details of soft and hard landscaping, including boundary treatments, is necessary to safeguard the rural character of the area and the living conditions of occupiers of the barn.
20. As the development has already started, the standard commencement condition is not necessary, and as the proposed materials to be used on the extension to the dwelling are shown on the approved drawing, a condition specifying materials is not needed either.

Conclusion

21. For the reasons given, the appeal is allowed subject to the conditions set out above.

R Morgan

INSPECTOR