
Appeal Decision

Site Visit made on 9 November 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2021

Appeal Ref: APP/B2355/W/21/3277504

Windy Bank Barn, Burnley Road East, Rossendale, BB4 9NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission in principle.
 - The appeal is made by Ms Holly Stott against the decision of Rossendale Borough Council.
 - The application Ref 2021/0280, dated 1 May 2021, was refused by notice dated 21 June 2021.
 - The development proposed is the change of use and conversion of stables to a dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Ms Holly Stott against the decision of Rossendale Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. The PPG also indicates that it is not possible to impose conditions as the terms of any permission in principle must only include site location, type of development and amount.
5. I have determined the appeal accordingly.

Main Issue

6. The main issue therefore is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location

7. The site lies within a group of other dwellings, including conversions. The site is within a well-established group, contained within obvious and clear visual and spatial boundaries, separating it from the wider, open countryside. However, that group is clearly not a settlement, and as such, the proposal does not meet the requirements of Policy 1 of the Core Strategy Development Plan Document: The Way Forward 2011-2026, adopted November 2011 (the Core Strategy).
8. The appellant refers to the Braintree judgement¹ (Braintree), and states that housing should not be considered isolated where it would be close to residential properties, even if it is remote from local services. However, for the purposes of paragraph 80 of the Framework, Braintree confirmed that isolated means a dwelling that is physically separate or remote from a settlement. Consequently, although there are other dwellings in the vicinity, the group is remote from local services. I have not been presented with any compelling evidence that they form a settlement. As a result, even though there are a number of dwellings in close proximity, I find that the appeal site would be in an isolated location.
9. Whilst I agree with the appellant that new dwellings, even those not within settlements can support the vitality of rural communities, given my conclusions on the location of the proposal above and its scale, I do not find that any community vitality benefits arising from the proposal would be significant.
10. The nearby bus stop and bus service is, by nature of the accessibility of the site from the stop, and vice versa, unlikely to be regularly or conveniently used by future occupiers for work or leisure. Future occupiers of the appeal site would as a result, rely on the private car to service their basic needs and access day-to-day services. As such, the proposal would result in a reliance on the private-car, contrary to Policy 9 of the Core Strategy.
11. Overall, therefore, I find that the proposal would not be in a sustainable location and would therefore be contrary to guidance in the National Planning Policy Framework (the Framework) and Policy 1 and 9 of the Core Strategy which seek, amongst other things, to direct development to suitable, accessible locations.

Proposed land use

12. Notwithstanding my conclusions above on the location of the appeal site and proposal, the proposed land use, housing, would be acceptable in this location. As noted above, other dwellings lie nearby, and the conversion of barns, stables and rural buildings to residential use is not in itself unusual.

Amount of development

13. The amount of development proposed would be naturally limited by nature of the site and proposal. As a result, again, notwithstanding my conclusions on the location of the appeal site, I find that the amount of development proposed would be acceptable.

¹ Braintree Council v SSCLG and others [2017] EWHC 2743 (Admin)

Planning balance

14. Both parties agree that there is a shortfall in housing land within the Borough. As such, the tilted balance in paragraph 11d of the Framework is engaged.
15. I have found that the isolated nature of the site and the transport issues weigh against the proposal, leading me to conclude that the site is not a suitable or sustainable location for the development proposed. In addition, I note the overarching aim for the planning system to support the transition to a low carbon future in a changing climate which further weighs heavily against the proposal when considering the transport and accessibility factors of the site. Given the location of nearby services I also do not find that the proposal would lend a meaningful amount of support to them with regard to Framework support for the overall vitality of rural communities.
16. The provision of a dwelling would be a benefit of the proposal, and the provision of housing is supported in local and national policy. However, I consider that this benefit is somewhat limited given the scale of the proposal and the size of the housing land supply shortfall.
17. I therefore find that the adverse impacts of granting planning permission, being the development of an unsustainable, isolated home in the countryside would significantly and demonstrably outweigh the benefit of a single additional dwelling even in the face of a housing land shortfall. The proposal does not therefore benefit from the presumption in favour of sustainable development set out in the Framework.

Conclusion

18. Although the proposed land use and the amount of development is acceptable, I find that the location of the site is not suitable for residential development. The proposal would therefore be contrary to the development plan. I also find that there are no material considerations which indicate that a decision be taken other than in accordance with the development plan.
19. As a result of the above, I conclude that the appeal should be dismissed.

S Dean

INSPECTOR