



Appeal Decision

Site Visit made on 9 November 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2021

Appeal Ref: APP/R2330/W/21/3278039

Miry Lane Cottage, Kings Highway, Accrington, Lancashire BB5 5UX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Katie Baird against the decision of Hyndburn Borough Council.
 - The application Ref 11/21/0267, dated 20 April 2021, was refused by notice dated 28 June 2021.
 - The development proposed is outline for proposed building to enclose existing menage and to include associated stabling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made in outline and the planning application form states that approval is sought for all matters other than scale. The appellant has confirmed that this is an error and all matters are applied for except for landscaping. The Council considered the application on this basis and I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the countryside.

Reasons

4. Miry Lane Cottage is 1 of 3 dwellings formed from a traditional farmstead. It is part of an isolated cluster of development including a large modern portal frame building (the shed), stables and several menage. The former farmstead is in an area of open countryside above Accrington. The menage subject of the appeal is elevated above the existing building group.
5. The appeal site is accessed from the roundabout of the A56 and the A679 via a private road that also serves Rakehead Quarry and scattered development on Kings Highway. The former farmstead is remote from development including public roads. However, the area is well-served by a network of Public Rights of Way including a footpath (FP) along Miry Lane that passes through the former farmstead and Kings Highway, which also serves as a bridleway.
6. The proposed building would be approximately 45m by 22m with a pitched roof with a ridge height of nearly 6m. While it would be relatively low, nevertheless it would be substantially large. The external materials would be typical of large

- modern agricultural buildings, with blockwork walls and Yorkshire boarding, a sheet roof and roller shutter doors.
7. The building would be similar in height to the nearby dwellings and it would not be as tall as the shed. However, the appeal site is elevated some 6-7m above the ground level of the dwellings and the shed and it is roughly 2-3m above the immediately neighbouring modest stable and store buildings. Irrespective of whether or not it would break the skyline, the proposal would be markedly larger than, and it would sit conspicuously above, the existing buildings. It would be a prominent feature and it would significantly increase the quantum and the spatial extent of built development. It would be poorly related to, and it would not be assimilated by, the lower-lying building group.
 8. The appeal site is the countryside, well separated from the urban settlement below. The surrounding expansive upland landscape is open and sparsely developed, with scattered rural dwellings and farmstead groups. On the basis of the evidence and from what I saw, the proposal would be substantially larger than most if not all of the rural buildings in the area. It would be discordant and out of character with the more unassuming and traditional rural development that characterises the area.
 9. The proposal would be visible at close range, including to FP users and neighbouring residential occupiers. It would also be visible in longer views across the landscape. Kings Highway is a sunken road enclosed by walls for parts of its length such that the building would not be visible to walkers or horse riders along the entirety of its length. However, it would be clearly visible from parts of Kings Highway and from elevated locations elsewhere, including FPs on the opposite side of the A56. By virtue of its disproportionately large scale, its elevation and its separation from the lower-lying and unobtrusive farmstead group, the proposal would be a visually obtrusive and discordant feature. It would detract from sense of place and local distinctiveness. It would not contribute to nor would it enhance the natural and local environment.
 10. Although landscaping would be a reserved matter, I have considered whether the harm could be mitigated by planting. In this regard, while there are patches of woodland and scattered trees on the lower slopes, the upland landscape is characterised by low-growing vegetation and it is largely devoid of trees. In this context, any meaningful screening in the form of woodland or tree belts around the building would be incongruous and it would be likely to further compound the landscape harm rather than mitigate it.
 11. Therefore, I conclude that the proposal would harm the rural character and appearance of the countryside. It would conflict with Policy Env3 of Hyndburn Borough Council Core Strategy Adopted January 2012 and Policies DM34 and DM36 of Hyndburn Borough Council Development Management DPD Adopted January 2018. These require development, among other things, to be appropriate and to avoid harm to the landscape and the rural character of the area, and to respect the dispersed pattern of farmsteads and the rural setting. It would conflict with the policies in the National Planning Policy Framework including in relation to development adding to the overall quality of the area, being sympathetic to landscape setting, maintaining a strong sense of place and recognising the intrinsic character and beauty of the countryside.

Other Matters

12. Consistency in decision-making is important and like cases should be decided in a like manner. In this regard, *Pertemps Investments Ltd V SoS and Solihull MBC (2015)* emphasises that where a case is indistinguishable then ordinarily it must be a material consideration. Conversely, if it is distinguishable then it usually will lack materiality by reference to consistency although it may be material in some other way.
13. My attention has been drawn to planning permission ref 11/14/0131 for the erection of a building to cover an outdoor menage to make an indoor riding arena for domestic use at Sough Lane. Full details have not been provided but I accept there are similarities to the proposal including in terms of its size and its use. However, the evidence indicates that it differs from the appeal scheme including in terms of its relationship to nearby buildings and its elevation, location and surrounding context.
14. The parties have submitted photographs of the Sough Lane building. The Council's photograph illustrates that it is at a similar ground level and it is closely related to existing buildings, screened in part by vegetation, and seen in the context of industrial buildings. The appellant's photograph is taken from a different angle and it illustrates the long side elevation of the building against a more sparsely developed background. These photographs are not a robust landscape and visual appraisal and they do not reliably demonstrate that the Sough Lane development is directly comparable to the proposal. In the absence of compelling evidence that it is indistinguishable, it does not provide a justification for the appeal scheme which I have considered on its own merits.
15. The change in levels between the appellant's stables and the menage can make access difficult. However, there is little before me to indicate that access improvements are dependent upon the appeal scheme. The upland Pennine weather, particularly during winter months, can be challenging and it can constrain opportunities to exercise horses. An indoor riding arena would be suitable for use year-round, including during inclement weather. Even so, there is little substantive evidence that this is a significant animal welfare issue. On the basis of the evidence, the private benefit to the appellant carries little weight in favour of the scheme.

Conclusion

16. For the reasons set out above, the proposal would conflict with the development plan and there are no considerations that would outweigh that conflict.
17. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR