



Appeal Decision

Site visit made on 19 January 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2022

Appeal Ref: APP/B2355/W/21/3283510

Woodcliffe, Horncliffe, Bury Road, Rawtenstall BB4 6JS

- 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 Henry Shepherd against the decision of Rossendale Borough Council.
 - The application Ref 2021/0194, dated 29 March 2021, was refused by notice dated 16 August 2021.
 - The development proposed is described on the application form as 'change of use, conversion and extension of outbuilding to 1 dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have determined the appeal with regard to the Rossendale Local Plan 2019-2036 (adopted 15 December 2021, the RLP), which was emerging at the time the appeal was made.
3. There is a discrepancy between the site plan (HS-27-02-21A) and the site location plan (H3.050321.A) with regard to the area of curtilage shown within the land edged red and the position of the building. The site plan shows a greater extent of curtilage which appears to extend down the bank of the building taking a portion of the adjacent field. This has implications for openness and the effect on character and appearance. For the avoidance of doubt, I have determined the appeal on the basis of the curtilage shown on the site location plan. All references to curtilage relate to this plan.

Main Issues

4. Based on the evidence before me and the cases made at appeal, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - whether or not the appeal site is a suitable location for the development proposed;
 - if the proposal is inappropriate development whether very special circumstances nevertheless exist to justify allowing the appeal.

Reasons

Whether Inappropriate Development

5. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are openness and permanence. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 150 lists forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include at 150. d) the re-use of buildings, provided that the buildings are of permanent and substantial construction. Consistent with that part of the Framework, Policy HS12 of the RLP permits the conversion of such buildings in the countryside providing that the proposal does not have a materially greater impact on the openness of the area.
7. It is common ground between the parties that the proposal would involve the re-use of a building that is of permanent and substantial construction. There is nothing before me, nor from what I have seen, to suggest otherwise. As such, in order to determine whether the proposal would be inappropriate development I am required to consider the effect on openness.
8. The building lies beyond a partially enclosed grassed area, to the rear of Woodcliffe and Cliffe Cottage. It is located immediately adjacent to a reasonably steep bank beyond which is an agricultural field containing a public right of way.
9. It is proposed to form a porch extension to the front of the building, with a floor area of five square metres¹, whilst the existing roof would be replaced with a steeper single pitch roof, resulting in an increase in height from 2.435 metres to 3.395 metres¹. A new vehicular access to the site would be provided through the garden of Woodcliffe, before accessing the appeal site with a parking area provided alongside the building. The curtilage proposed would predominantly be located to the east and south of the building and would not include the adjacent bank.
10. The increase in the volume of the building through the porch extension and the raising of the roof would inevitably result in the building making a greater intrusion into its setting and would reduce openness to an extent (in both physical and visual terms). Furthermore, the activity in the spaces around the building for parking, refuse storage and general use of the garden for domestic activities would be likely to be much more intensive as a new detached dwelling than that arising from the existing outbuilding.
11. The proposal would also be likely to lead to parked vehicles, stored refuse, hardsurfacing and seating being located in the curtilage which would also impinge on its visual openness compared to the existing situation. Being located atop the adjacent bank, the adverse effect on openness caused by the alterations to the building and its curtilage would be readily experienced by those walking the adjacent public right of way.

¹ Based on the measurements provided by the Council.

12. For the above reasons, I conclude that the proposal would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The proposal therefore does not fall within the forms of development at paragraph 150 of the Framework and as such is inappropriate development in the Green Belt. As the proposal would have a materially greater impact on openness than the existing outbuilding, the proposal conflicts with Policy HS12 of the RLP in this regard.

Character and Appearance

13. The existing building is a rectangular structure, predominantly brick faced with stone heads and cills to some of the window openings. Its roof is low and formed with corrugated sheeting. As a result, whilst I have not been provided with any evidence of it having any particular historical importance, the building's character is that of a simple outbuilding. The area around the building is grassed and contains a number of prominent mature trees which contribute significantly to the wooded character of this area. Land to the east comprises predominantly residential gardens. The land to the west is rural in character, consisting of fields and small pockets of woodland that slope down reasonably steeply towards the A56.
14. In addition to the test with regard to openness considered above, Policy HS12 requires that the conversion works and facing materials are in keeping with the original building, and that important architectural and historical features are retained. It is proposed to render the building in a grey render, whilst the porch extension would be faced with stone. Whilst stone and render are present on nearby residential properties along Bury Road, these materials would clearly not be in keeping with the existing brick with stone detailing.
15. To my mind, the use of new materials, as well as the extensive changes proposed to the building through the insertion of new openings, blocking of existing openings, extension, provision of a pitched zinc roof and an increase in height would significantly alter the appearance of the structure such that it would no longer be recognisable as a former outbuilding. In views from the public right of way, seen alongside the proposed curtilage and parking area, it would appear as a small bungalow, which would be incongruous in this setting, significantly beyond the line of the dwellings along Bury Road and in an elevated position on the edge of open farmland.
16. Policy HS12 limits proposals to no more than 30% reconstruction. Whilst the appellant has provided a structural report, this is limited in terms of its assessment and does not consider the effect of the proposed alterations on the building. I have not been provided with any convincing assessment of the extent of reconstruction that would need to occur to convert the building. As such, given the extensive changes that are proposed, particularly through insertion of new openings and blocking of existing, I cannot be certain that the level of reconstruction that would occur would fall within the 30% required by HS12. This reinforces my above assessment with regard to the extent of alterations to the building.
17. The proposed access passes very close to one large tree, whilst others lie close to the proposed access and building and within the proposed curtilage. The Council has raised concerns with regard to the effect of the proposal on the nearby trees in their report but has not included this within the reasons for refusal. Nevertheless, I note that Policy HS12 requires that development

proposals do not require the removal of, or damage to, significant or prominent trees. Whilst the appellant highlights the Council's concerns in their statement, there is no robust evidence before me, such as an arboricultural impact assessment, to establish if or how the wellbeing of trees would be safeguarded. As such I cannot be certain that the proposal would not lead to additional harm to character and appearance by virtue of adversely affecting trees, in addition to the harm that I have identified above, would result.

18. I therefore conclude that the proposal would result in harm to the character and appearance of the area and as such would conflict with Policy HS12 of the RLP. The proposal would also conflict with paragraph 130 of the Framework which, amongst other things, seeks to ensure new development is visually attractive and sympathetic to local character.

Location

19. The appeal site is located close to the rear of the large gardens of properties along Bury Road. Bury Road has a reasonably wide pavement with regular streetlights along it. Settlements in both directions are accessible via longer, albeit achievable, walking distances. Both these settlements have services and facilities including schools. A bus stop lies close to the point the access serving the appeal proposal would meet the road with routes to Rawtenstall with Edenfield, Bury and Greater Manchester.
20. As such, whilst future occupiers of the proposed dwelling are likely to access many services and facilities using the private car, accessing services on foot or via public transport, are also realistic options. I am also mindful that the Framework states opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
21. Taking the above into account, I am satisfied that the location of the appeal site is suitably accessible and as such would comply with relevant provisions of the Framework which seek, amongst other things, to maximise the use of sustainable transport and reduce greenhouse gas emissions through the location, orientation and design of development.

Planning Balance and Conclusion

22. The proposed development would be inappropriate development in the Green Belt and would harm openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
23. I accept that there would be minor economic benefits from the construction and occupation of the new dwelling. However, these benefits are comparatively minor in respect of a single dwelling and as such carry limited weight. The same might be said to be true of the conversion of any ancillary building in any location to a dwelling, and neither the support in the development plan nor Framework for new housing is at the expense of ensuring that all development integrates appropriately with its surroundings.
24. Given the substantial weight to be given to Green Belt harm combined with the other identified harm, relative to the limited benefits of the proposed scheme in that context, the harm that would arise would not be clearly

outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.

25. The Council states in its delegated report that it can demonstrate a five year supply of deliverable housing sites, albeit that appears to be predicated on an emerging plan. However, the Council acknowledges that it has only delivered 64% of its housing requirement over the previous three years as demonstrated in the January 2021 Housing Delivery Test Results. The housing delivery has thus been significantly less than 75% of the housing requirements over the previous three years. This represents a substantial shortfall, and I acknowledge that in an incremental numerical way the scheme would contribute towards rectifying that shortfall.
26. Paragraph 11 d) of the Framework states that in such circumstances permission should be granted unless the application of policies in the Framework that protect assets or areas of particular importance provide a clear reason for refusing the development. Footnote 7 indicates that land designated as Green Belt is one such protected area. I have found that the proposal would be inappropriate development in the Green Belt and very special circumstances do not exist, even taking into account the shortfall here. There is therefore a clear reason for refusing the proposal in any event, and the presumption in favour of sustainable development is not engaged.
27. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR