



Appeal Decision

Site visit made on 22 March 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2022

Appeal Ref: APP/B2355/W/21/3288012

Hey Meadow, Coal Pit Lane, Rossendale BB4 9SB

- 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 M and C Lyons against the decision of Rossendale Borough Council.
 - The application Ref 2021/0293, dated 11 May 2021, was refused by notice dated 29 November 2021.
 - The development proposed is change of use and extension of an agricultural building to form two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the planning application the Council adopted the Rossendale Local Plan 2019-2036 (the LP). The policies referenced in the Council's Decision Notice are therefore superseded. The appellants have since had the opportunity to comment on the implications of the new policies such that their interests have not been prejudiced and I have referred to the new policies for the purposes of the appeal.

Main Issues

3. The main issues are:
 - whether or not the site would provide a suitable location for new housing
 - the effect of the development on protected species.

Reasons

Locations for housing

4. The site lies within an area of dispersed houses and farms set in a rural landscape of primarily upland grazed grassland. It lies some distance from the lower valley settlement areas in an area designated as countryside. Paragraph 80 of the National Planning Policy Framework (the Framework) seeks to avoid the development of isolated homes in the countryside. As a location separated from the main settled areas and accessed via a number of narrow lanes and a track, the site has little affinity to the character and arrangement of development in the nearest built-up areas. Furthermore, within the dispersed pattern of individual houses and farmsteads, the site does not appear to form part of an identifiable rural settlement. Having regard to the

circumstances on the ground, I find that the site is isolated for the purpose of Paragraph 80.

5. Paragraph 80 permits the re-use of redundant or disused buildings provided the re-use would enhance its immediate setting. Policy HS12 of the LP details the Council's adopted approach to the conversion and re-use of buildings in the countryside. Amongst other things it requires that the building is structurally sound and capable of conversion without the need for more than 30% reconstruction. Additionally, it seeks that conversion works and facing materials to be introduced would be in keeping with the original building, and important architectural and historical features would be retained.
6. There is some dispute between the main parties as to the structural condition of the barn. At my site visit, I saw that the building appeared largely weatherproof with localised areas of the elevations requiring attention. The southern gable was badly deflected and there were some, more limited, signs of movement on the building's front elevation. However, the scheme would see the removal of a large part of the end gable and introduction of new walls within and adjacent to the barn. There is little before me to suggest that these works, taken in conjunction with the remaining walls, would not provide sufficient structural integrity to enable the use of the building for residential purposes. According to the appellants, this reflects a conclusion reached by the Council in 2015.
7. However, the extent of works required to facilitate the proposed development would be substantial. According to the Council, the new works would require an extension of some 59% of the volume of the existing barn. This would be significantly greater than the limit of 30% imposed under the LP policy and advocated in the guidance contained in the Council's Conversion & Re-Use of Existing Buildings in the Countryside Supplementary planning Document (the SPD).
8. I note the appellant's contention that the element of new build would be about 32% of the existing combined building consisting of the barn and dwelling. In this regard I am referred to an approach detailed in caselaw¹ which relates to the replacement of buildings in the Green Belt. However, distinct from a wholesale redevelopment of a group of Green Belt buildings, the element of development and conversion is the barn attached to the existing dwelling at Hey Meadow Farm. Although contiguous with it, the house would not be subject to a change of use. If the building were to be considered as a whole, it would not qualify as redundant or disused. It would therefore lie outside of the scope of the exception in Paragraph 80 of the Framework on that basis alone.
9. The buildings in the local rural area consist of vernacular houses and traditional and modern rural buildings, some of which have been re-used for purposes other than farming, others have been remodelled to provide for modern living. The barn retains some of its original features and, as a former working building attached to a dwelling, is a characteristic feature of some older buildings in the local rural landscape.
10. The proposed extension would be relatively large against the scale of the barn and be distinct from it. The introduction of a step in the building's frontage and lower ridge height would assist in making the extension appear subordinate

¹ *Tandridge DC v SSCLG & Syrett* [2015] EWHC 2503

and visually read as a later addition. However, it would relate poorly to the character and appearance of the existing building.

11. The introduction of a third ridge height to the group, an asymmetrical roof form and large projection beyond the rear elevation would confuse the unfussy coupled configuration of the existing buildings. It would interrupt the narrow linear form. Furthermore, the proposed openings would neither reflect the size and arrangement of openings of the original dwelling or the functional openings of the barn. The suburban character of large window proportions and regimented positions would have little association with the detailing of the existing building.
12. Despite that the extension could be constructed in materials to match, its scale and appearance would be largely unsympathetic to the simple form and character of the existing building. This would be readily perceptible from the surrounding network of lanes and tracks. Notwithstanding the mixed character of buildings in the locality, the extension would fail to respond to the detailing and form of the existing traditional buildings to which it would be attached. It would neither be an enhancement of the existing building or its immediate setting.
13. The location in a countryside area is distant from the nearest settlement areas providing goods and services. Access to the site is reliant on uneven and unlit narrow roads and tracks which are often steep and without pavements. The routes to the nearest settlement areas are such that walking and cycling to access them would be largely impractical and, in places, hazardous. In the absence of easily accessible public transport options close by, occupiers of the proposed development would therefore be substantially reliant on private motor vehicles. This would fail to promote sustainable means of travel.
14. I acknowledge that the site has previously benefitted from an approval to allow the conversion of the barn to a single dwelling. However, that decision was made independent of any assessment of accessibility to services. I also note a previous decision at the site relating to camping pods did not find the site to be isolated. However, as temporary forms of accommodation, they are unlikely to require the same degree of access to day-to-day services or places of learning or employment and are distinct from the proposals before me.
15. The appellant asserts that, even outside of rural villages, additional housing in those areas can contribute to the vitality of rural communities by providing necessary housing. However, there is little evidence to demonstrate a specific housing need in this particular locality. Furthermore, I am not directed to any policy within the LP, as required by the Framework, which identifies village/s in the locality for growth or services in a nearby rural village which could be sustained by residents of the proposed dwellings.
16. In support of the proposal the appellant has referred me to an appeal decision elsewhere. However, it is clear from that decision that the site was within easy access to the public transport network and there was no concern in relation to the appearance of the building. Furthermore, that decision was made in the face of a significant shortfall in housing land supply. It is therefore distinct from the case before me, a proposal I have considered on its own merits.
17. Taking the above matters together, I find that the degree of works required to deliver the proposed use would be excessive and would be well beyond the

limit prescribed in the LP. The large extension would cause harm to the character of the existing building and the wider area such that its immediate setting would not be enhanced. My finding that the existing structure could be incorporated into a safe re-use of the building does not outweigh the above harm or that arising from the isolated location of the building.

18. For the above reasons, I find that the proposal would conflict with the Council's strategy for restricting new dwellings in the countryside and the conversion of buildings within it for that purpose. It would conflict with Policy HS12 of the LP and the SPD as they seek to retain the rural character and integrity of buildings used for conversion and the Framework as it seeks sustainable locations for new development and to avoid isolated homes in the countryside.

Protected species

19. Regulation 9 of the Conservation of Habitats and Species Regulations 2017 imposes a duty on me to have regard to the likelihood of European Protected Species being present at the site and affected by the proposed development. A survey of the building identified evidence of use of the southern gable of the barn by bats.
20. Contrary to the finding that the proposals to convert the barn into living accommodation would not directly impact the bat roost because the roof would not be impacted by the works, I consider that the removal of much of the gable and requirement to integrate a new roof with the existing structure, would directly impact the identified location of the bat roost. This is a view shared by the Council's ecological advisor.
21. However, the appellant acknowledges that a Natural England licence would be required for the works. Alongside restrictions in the timing of works, use of appropriate working practices and the implementation of mitigation measures, which could be secured through planning condition/s, I find the proposal would be capable of meeting the requirements of Policies EN4 and HS12 of the LP and the Framework as they necessitate the conservation of biodiversity interests, including protected species.

Other Matters

22. According to the appellant, the Council has been unable to secure an adequate rate of house completions in recent years. This is not contested by the Council. Consequently, Footnote 8 of the Framework applies which engages para 11 d). There are no policies in the Framework that protect areas or assets of particular importance and which provide a clear reason for refusing the development as set out in para 11d) i). Therefore consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (para 11 d) ii of The Framework).
23. As set out above, I have found that the proposals would result in isolated dwellings in the countryside that would be distant from goods and services to support day-to-day living. Occupiers would be substantially reliant on private motor vehicles to access them. Furthermore, the design and degree of the extension would harm the character and appearance of the traditional building. Given that the proposal would be designed to last tens of years, I afford the harm arising from those matters significant weight.

24. I turn now to the benefits of the proposal. These include the provision of 2 additional units of accommodation to assist the Council in meeting its housing targets. This would be a moderate benefit of the scheme.
25. Furthermore, future residents would access local services, and there would be temporary benefits in terms of construction spending. However, the scale of development limits the weight to be afforded to these benefits.
26. I acknowledge that the proposal would provide a use for the barn to secure its longevity and prevent it from potentially deteriorating. However, there is little to demonstrate that that could not be achieved through an alternative scheme for the re-use or redevelopment of the barn. It is therefore a matter of limited weight in the context of this appeal.
27. Taking the above points together, I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development does not therefore apply.

Conclusion

28. The proposal would result in isolated dwellings in the countryside and cause harm the character and appearance of the building; it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR