



Appeal Decisions

Site visit made on 15 March 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal A Ref: APP/B2355/W/21/3288405

2 Bent Estate, Beaufort Road, Weir, Bacup OL13 8QY

- 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 Paul Cockcroft against the decision of Rossendale Borough Council.
 - The application Ref 2021/0341, dated 28 May 2021, was refused by notice dated 2 August 2021.
 - The development proposed is new agricultural storage building.
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Appeal B Ref: APP/B2355/W/21/3288409

2 Bent Estate, Beaufort Road, Weir, Bacup OL13 8QY

- 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 Paul Cockcroft against the decision of Rossendale Borough Council.
 - The application Ref 2021/0495, dated 19 August 2021, was refused by notice dated 19 October 2021.
 - The development proposed is new agricultural storage building.
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Decision

1. Appeal A is dismissed, and Appeal B is dismissed.

Procedural Matters

2. As set out above there are two appeals on this site. They differ only in the scale, and detail of design of the proposed agricultural storage building. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. s70(2) of the TCPA 1990¹ and s38(6) of the Planning and Compulsory Act 2004, requires that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. Since the appeal was lodged, the Council have adopted the Rossendale Local Plan 2019 to 2036, adopted 15 December 2021, (RLP) which replaces policies cited on the original decision notice. Therefore, I have determined the appeal on this basis.

Main Issue

4. Therefore, the main issue in both appeals are:
 - The effect of the proposed development upon the character and appearance of the surrounding area.

¹ The Town and Country Planning Act 1990 (as amended)

Reasons

5. The appeal site comprises agricultural land, which is located outside of the urban boundary, and therefore within the open countryside. The land is positioned to the south of 2 Bent Estate, a semi-detached dwelling occupying a relatively isolated position with limited nearby dwellings. There are several public rights of way that interlink with the site and wider open countryside, in particular public footpath 14-1-FP328 runs through the curtilage and to the rear of the Bent Estate.
6. The appeal site is grassed, enclosed and served by an existing gate. A dry-stone wall runs along the eastern and southern boundaries, and the western boundary has post and wire fencing and established hedgerows. There are several trees which have been planted within the field, but it remains open, and free from any existing built form. Due to the rising topography of the surrounding area the site sits in a prominent location on an inclined hillside. Therefore, given the position and characteristics of the open rural land, the appeal site positively contributes to the character and appearance of this part of the countryside.
7. The proposed development would result in the erection of an agricultural building, located on the south-east side of the footpath, and close to the existing gate. In the case of Appeal A, the building would be some 18.2m x 12.1m and 4.6m in height, constructed of timber Yorkshire boards with concrete panels, cement fibre slate roof and GRP rooflights. The building, the subject of Appeal B would be some 13.7m x 9.1m and 4.1m in height constructed of those similar materials. Both buildings are identified for the purposes of serving the land and storage of a tractor, trailer, associated equipment for the baling and storage of hay, albeit the trailer is removed in Appeal B.
8. Despite Appeal B building being reduced in size, and the buildings having an acceptable style of materials, both buildings would be of a considerable size, height, bulk and footprint. They would be highly visible within the surrounding landscape, particularly due to the topography of the area, and that the site is open in nature and free from any built form. Either building would be clearly viewed from the public footpaths 14-1-FP328 and 14-1-FP320 due to the close proximity of the footpath alignment. Given, the scale and height of the proposed buildings, I would disagree that views would only be directional and within the peripheral vision of users of the footpath.
9. Therefore, the buildings would appear duly prominent within the landscape, and this is likely to obscure some of the wider views of the surrounding countryside from the footpaths. The proximity to the existing residential properties, does not justify the harmful visual impact to the wider open area, or indeed that those agricultural buildings are usually found in the countryside. Thus, either one of the buildings would be visually intrusive, effect and change the outlook across this attractive open area of countryside and the landscape character, whilst having an adverse impact on the visual qualities currently enjoyed by users of the footpaths.
10. Furthermore, as I observed at the time of the site visit, there are considerable views of the appeal site when looking up the hillside, not just from the designated footpaths but from the private access road and along the trackway towards Bent Estate. The existing vegetation and tree cover did little to prevent

these upward or longer distance views, and any proposed landscaping to screen either building would not mitigate the harmful effects. Moreover, the landscaping would take a considerable amount of time to establish coverage, and I am not satisfied that any proposed landscaping could be secured. The site plan indicates planting would be outside of the site edged red.

11. The appellant contends that both footpath 14-1-FP-328 and 14-1-FP-320, are not regularly used due to the lack of footpath signage and position in relation to Bent Estate. There is no substantive evidence that the designated footpaths would not be utilised, or that the route could not be navigated by novice or experienced walkers. These routes of public rights of way would be available and shown on the definitive map. Matters of any obstruction of these rights or signs are not within my jurisdiction and of consideration for the relevant authority.
12. In coming to my decision, I have had regard to the appeal decisions the Council have brought to my attention². I have limited evidence on the individual circumstances of those cases, although there maybe some similarities with the appeal scheme, they differ in location, siting, and development policy. Nonetheless, I have no reason to disagree with the '*Deerplay Inn*' case, that public rights of way are sensitive receptors in countryside locations. In any event, the appeal needs to be determined on its individual merits on the basis of the evidence before me.
13. For the reasons given above, I conclude that the proposed development the subject of both Appeal A and B would cause harm to the character and appearance of the area. It would be contrary to Policies SD2, ENV1 and ENV3 of the RLP. Taken together, amongst other things, these policies expect that the design of development minimises the impact on the character of the area; including siting, layout, massing, scale, design and has no adverse impact to the natural environment; proposals should conserve and, where possible, enhance the natural and built environment, its immediate and wider environment, whilst seeking to protect and enhance with no unacceptable impacts on skylines, roofscapes; retaining and, where possible enhancing key views.
14. In addition, they would also be at odds with the National Planning Policy Framework, which requires decisions to contribute to and enhance the natural and local environment, including protecting valued landscapes and recognising the intrinsic character and beauty of the countryside.

Other Matters

15. It is acknowledged that agricultural uses are appropriate in the countryside, and that the proposal would provide benefits to the appellant of serving the land acquired. However, new development should be appropriately located and not have an adverse effect on the appearance or character of the countryside. In this case, there would be limited economic benefits, the proposal does not indicate any additional rural employment opportunities and there is no substantive evidence of a viable commercial business or farm diversification, other than the land being used for grazing and keeping of sheep.

² APP/B2355/W/21/3280914; APP/Z2315/W/3170899

16. I note that local residents have expressed additional concerns about the proposed development, including living conditions, amount of land owned by the appellant, hay production, construction and machinery costs. However, these matters are not determinative in the appeal, and the application forms indicate the appellant owns the land. Moreover, the Council did not raise these points as reasons for refusal, including the outlook from residential gardens, and I have no substantive evidence to support those concerns. Given my findings in relation to the main issue, it is not necessary to consider these matters in detail.

Conclusion

17. The proposed development by Appeal A and Appeal B would be contrary to the development plan, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.
18. For the reasons given above, I conclude that Appeal A and Appeal B should be dismissed.

KA Taylor

INSPECTOR