



Appeal Decision

Site visit made on 12 April 2022

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2022

Appeal Ref: APP/Z2315/W/21/3279005

Land off Barcroft Green, Walk Mill, Burnley, Lancashire BB10 4TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against refusal to grant permission in principle.
 - The appeal is made by Phillip Ingham against the decision of Burnley Borough Council.
 - The application Ref PIP/2021/0018, dated 14 January 2021, was refused by notice dated 18 February 2021.
 - The development proposed is described as stage 1 permission in principle application for 1 no. self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal proposal is for permission in principle. The Planning Practice Guidance ("the 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 and so my scope is limited to matters relevant to location, land use and the amount of development proposed. The appeal proceeds on this basis.

Main Issues

3. The main issues are confined to whether or not the site is a suitable location for residential development, having regard to:
 - the effect on the character and appearance of the area; and
 - whether or not the location of the appeal proposal would contribute towards a sustainable pattern of development for the area.

Reasons

Character and appearance

4. Walk Mill is a small village which predominantly comprises a compact group of dwellings surrounded by undulating open countryside. The appeal site is a sloping field which is currently used for grazing purposes. There is no dispute that it is located just beyond the defined development boundaries for Walk Mill as defined in Burnley's Local Plan ("the Local Plan"). With the exception of a small field shelter it is undeveloped.

5. The site enjoys an elevated position above Park Road, to the rear of a play area beyond an embankment and associated tree belt. It is accessed from its very narrow road frontage off a residential street known as Barcroft Green which is made up of detached dwellings set within generous mature plots. The appeal site is physically contained on all but one side by gardens to existing dwellings on Barcroft Green, allotments, and the landscaped embankment. Its substantial remaining edge immediately bounds the wider rolling open countryside and is defined by a low post and wire fence. The narrow entrance and substantial hedgerow along the boundary with No 4 gives the site a high level of seclusion and separation from the built up form of the settlement. Moreover, given the high level of physical containment from the surrounding residential and recreational uses, its green leafy context and its relationship with that wider countryside setting is very strong.
6. For these reasons, the appeal site clearly functions and reads as countryside. The fact that this site is not a designated valued landscape does not undermine the positive visual contribution which the appeal site currently makes to the settlement's largely unfettered, traditional rural landscape context. The important character of this area is derived from the close interface between the countryside and the existing built form of the settlement.
7. The appeal site is visible from long distance public vantage points from higher ground surrounding this side of Walk Mill. From there, the appeal proposal would be read against the built form of the settlement and backdrop of higher ground. Consequently, the visual effect of the protrusion into the open countryside would be low as it would not appear at odds with the pattern of existing development within this wider rural landscape setting.
8. Nonetheless, the appeal site is also visible from short and medium distance public vantage points. From the children's play area and parts of Park Road the appeal proposal would be very prominent in the view, particularly in the winter months when much of the surrounding tree cover is not in leaf. This is because of the elevated nature of much of the site above its built setting which causes it to read as an open, undeveloped prelude to the surrounding wider open countryside setting of Walk Mill. This would have the visual effect of extending the built form of the settlement further into the open countryside. It would eliminate a green finger of countryside which extends into the village as a reminder of its open countryside context. Furthermore, the current openness of the site would be unduly interrupted by the mass of a dwelling against an open sky backdrop. This would cut off the visual link to the surrounding open countryside.
9. Short and medium distance views of the appeal proposal would also be visible from along the nearby public rights of way network. The elevated nature of the majority of the appeal site, coupled with the protrusion of the site beyond the main built form of Barcroft Green and Cop Royd Terrace means that a dwelling here would be particularly prominent against the open skyline from those surrounding inward facing vantage points.
10. The submitted evidence does not convince me that the effects of even 1 dwelling on the character and appearance of the site and its wider setting could be adequately mitigated through positioning, design treatment and landscaping. This is because of the particular location of the appeal site and its exposed, elevated nature relative to its surrounding context.

11. The developable part of the appeal site would result in a scheme which is akin to backland development which is not typical of the site's context. Crucially, it would fail to contribute positively to the rural setting of the settlement and would represent a significant incursion into the open countryside when viewed from short and medium distance vantage points. It would fail to consolidate the built up form of the settlement along the lower slopes which contain much of Walk Mill's built development. Overall, the appeal proposal would serve to considerably erode the important character and appearance of the area.
12. For the reasons given, the appeal site is not a suitable location for residential development, having regard to the considerable harmful effect it would have on the character and appearance of the area.
13. Policy NE3 of the Local Plan expects development proposals to respect and where possible enhance and restore landscape character. They must relate well to local topography and built form and must not have unacceptable visual impact on skylines. Policy SP4 of that plan clearly states that open countryside is defined as land beyond the defined development boundaries, where development will be strictly controlled. Policy SP5 of the Local Plan seeks to achieve sustainable development. Amongst other things it states that developments must respect existing, or locally characteristic street layouts, scale and massing and have respect to their townscape setting and where appropriate landscape setting. In view of the identified harm, the appeal proposal conflicts with these policies.

Development pattern

14. The appeal proposal would provide an additional dwelling on the edge of a recognised Tier 4 settlement which has been assessed by the Council as having a limited number and range of services and facilities. The contribution that a single dwelling will make to these has not been sufficiently quantified but would be negligible. This benefit attracts limited weight.
15. Occupants of the appeal proposal would be heavily reliant on travelling to Halifax or Burnley to access services and facilities to meet even the most basic of their daily needs. My attention has been drawn to the site's proximity to a local bus service. However, the reliability of this in terms of frequency and timings has not been sufficiently articulated. Nonetheless, in accessibility terms the Local Plan does not rule Walk Mill out as a location for new housing development and the appeal site is just beyond its edge.
16. However, its location within the defined countryside causes considerable harm which in turn infers an unsustainable pattern of development would arise. Furthermore, the submitted evidence does not demonstrate that the appeal proposal is required for any of the Local Plan's exceptions which may justify housing development in the countryside. This does not signify to me that the appeal proposal would represent a sustainable pattern of growth and it is a matter which weighs against the appeal proposal.
17. My attention has been drawn to Decision *APP/Z1510/W/20/3253661* whereby moderate weight was attributed to what the appellant considers is a similar conflict with that area's development plan. However, I have already found that the individual circumstances of the current appeal proposal would cause considerable visual harm to the important character and appearance of this particular area. This is because of this site's locational circumstances. This

must be weighed in the necessary planning balance along with any other harms and benefits for the particular appeal before me. Consequently, this Decision attracts no weight in this instance.

18. My attention has also been drawn to Decision *APP/Z2315/W/15/3135871* relating to part of the appeal site. That particular proposal was not found to represent infill development. I also note that the definition of “infill” relied upon is no longer extant. Neither do national planning policy or guidance provide such a definition. However, whilst the site boundaries and yield may differ, the site context for both and the resulting harmful effects on character and appearance of the area resonate with my own findings. There is no sound basis for me to disagree with those previous findings on that matter even in the absence of an adopted definition. Consequently, that Decision weighs against the appeal proposal before me to which I attribute considerable weight.
19. The Council have drawn attention to text within the Local Plan which clarifies that the development boundaries are a planning tool to indicate where it is appropriate to develop, not a means to define a settlement’s extent. The appellant argues that although beyond the defined development boundary for Walk Mill the appeal site still forms part of the village. My attention has also been drawn to *Julian Wood Vs. SOS for Communities and Local Government and Gravesham Borough Council* [2015] EWCA which clarified that the term “village” need not be the same as a settlement boundary. Although I accept this theoretical potential, in this particular instance I have found reasons why the appeal site has a strong relationship with the countryside as opposed to the built form of Walk Mill. Consequently, this Decision attracts no weight here.
20. The appellant has argued that there is very little opportunity for new housing in the settlement boundaries in the Burnley area. My attention has been drawn to Decision *APP/C1570/A/14/2223280* in respect to the need for flexibility in housing supply in the interests of ensuring a sustainable pipeline supply of housing to meet all needs. However, in this instance the submitted evidence does not lead me to find that the development boundaries and policies for the supply of housing are out of date. Consequently, in respect to the appeal before me this Decision attracts no weight in this regard.
21. Therefore, on balance overall the appeal proposal does not represent a suitable location for residential development, with particular regard to contributing to a sustainable pattern of development for the area.
22. Policy SP4 of the Local Plan sets out a clear development strategy for the Council’s area to achieve sustainable patterns of development and growth. It directs development to those settlements who can best support it in terms of accessibility to services and facilities. It defines Walk Mill as a “Tier 4 small village”. In such locations it allows for small scale schemes within the development boundaries to deliver quality and choice and modern adaptable housing stock. Policy SP5 recognises that sustainable development includes respecting townscape and landscape setting as well as promoting sustainable methods of transport and connections with existing services. In view of my overall findings on this main issue, the appeal proposal conflicts with these policies.

Other Matters

23. Through its 5 year housing land supply calculation and the Housing Delivery Test 2021 result the Council has demonstrated a general housing land supply and delivery rate well in excess of its requirements. My attention has been drawn to Decision *APP/G2435/W/18/3214451*, whereby it was found unreasonable for a Council to count all identified house plots as being potentially suitable for self-build units. Nonetheless, the Council's Annual Monitoring Report (December 2021) demonstrates that even when applying this approach, the Council can demonstrate a supply of self and custom build plots in their area which does not fall numerically short of the number of parties listed on its Self and Custom Build Register ("the Register") on a borough-wide basis. There is no requirement to break this into smaller Ward geographies. Furthermore, given the level of the general housing land supply which exists, it is reasonable to expect that it could provide some upward flexibility in the supply of self and custom build plots as at least some, but not all of those plots will be suitable for that purpose.
24. The appeal proposal is advanced as a self-build opportunity to meet the appellant's own registered housing needs. The appellant's desire to reside at this location and the reasons why other potential permitted plots have been discounted are noted. However, the submitted evidence does not convey any specific mitigating personal circumstances that necessitate this and so I give only limited weight to this.
25. My attention has been drawn to several other Decisions¹ and legal advice relating to sites outside of the Borough which the appellant considers support their case. These attributed a high degree of weight to the benefits that self-build plots can provide which were capable of outweighing conflicts with the development plan. I have no reason to disagree that the contribution that this particular appeal proposal would make to boosting the local housing supply both generally and in respect to self and custom build units are benefits. However, in each of the Decisions advanced, a much higher housing yield was proposed. In this particular instance these benefits weigh no more than significantly in favour of the appeal proposal given the limited level of the site's contribution to the supply.
26. The fact that there are no unresolved technical matters at this stage weighs neutrally in my determination.

Conclusion

27. I have found that the appeal site is not a suitable location for residential development and that conflicts with the development plan when taken as a whole. There are some benefits associated with the appeal proposal. However, the identified conflict is not outweighed by them or any of the other matters before me, including the contribution which the appeal proposal would make to the supply of housing and particularly custom and self-build plots in the local area. Therefore, I conclude that the appeal should be dismissed.

C Dillon

INSPECTOR

¹ *App/H1840/W/19/3241879*, *APP/C1570/A/14/2223280*, *APP/R0660/A/13/2197532* and *APP/R0660/A/2197529*.