



Appeal Decision

Site visit made on 22 February 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Appeal Ref: APP/B2355/W/21/3285887

Coldwells Cottage, Roundhill Road, Haslingden BB4 5TU

- 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 Rachel and Andrew Slattery against the decision of Rossendale Borough Council.
 - The application Ref 2021/0560, dated 23 September 2021, was refused by notice dated 29 October 2021.
 - The development proposed is the change of use and conversion of a store to a dwelling including extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether acceptable living conditions for future occupiers of the proposed dwelling would be provided in terms of outdoor amenity space.

Reasons

Character and Appearance

3. The appeal site is located in the countryside. It is surrounded by fields with a small cluster of dwellings just to the south west. It is accessed via a narrow unadopted lane that is also a Public Right of Way (PRoW) for part of its length, including where it passes the site. The site is occupied by a small single storey building that sits adjacent to the lane. It is constructed in blockwork with a concrete tiled roof. The proposed development would comprise the conversion and extension of the building to a four bedroom dwelling, with three car parking spaces provided.
4. Although there is some built development in the vicinity of the site, it nevertheless has a distinctly rural character. The surrounding area is essentially an open rural landscape, with scattered groups of mainly farm buildings and residential properties.
5. A number of applications have been made to convert the building to a dwelling, which were refused by the Council. Application reference 2020/565 was allowed

on appeal in June 2021¹. The 2021 appeal scheme was for the conversion of the building to a two bedroom dwelling. The extension now proposed therefore differentiates this current proposal from the 2021 appeal scheme.

6. Section 4.1 of the Council's Conversion and Re-Use of Buildings in the Countryside Supplementary Planning Document, 2010 (the Conversion and Re-Use SPD), advises that the conversion of an existing building in the countryside will be permitted where a number of criteria are met. This includes that the conversion works are in keeping with the style of the building and respect the character of the natural and man-made landscape, protecting and enhancing it where possible, and that the building is of sufficient size to be capable of conversion without requiring substantial extensions or alterations. Section 5.2 advises that the addition of any extension which exceeds the volume of the original building by a third (30%) will normally be considered unacceptable.
7. The Council's Alterations and Extensions to Residential Properties Supplementary Planning Document, 2008 (the Alterations and Extensions SPD) also advises that in the countryside, proposals for domestic extensions should not normally exceed a third (30%).
8. The building has a small footprint and a simple form and sits relatively unobtrusively in its rural countryside setting. Although the extension would be around 4.23m in length, based on the figures provided by the appellants and Council, the proposed extension would represent a 45% increase in volume. This clearly exceeds the figure in both SPDs.
9. I note the appellants' view that the 30% figure has been breached many times and should therefore be given just limited weight. However, the examples provided of cases where larger extensions have been allowed do not provide sufficient justification to give the figure just limited weight. Nevertheless, assessing the impact of a proposal is about more than a straightforward calculation of volume or footprint. This is allowed for in both SPDs, which recognise that there may be circumstances where the 30% figure is not applicable.
10. The general design of the proposed extension takes its cue from the existing building to an extent. The height and gradient of the roof would be the same, which does not appear to have been the case for the previous schemes that proposed an extension to the building. No windows are proposed within the elevation of the extension that directly faces onto the lane. The materials proposed for the existing building would also be used on the extension.
11. However, the proposed extension would appear more domestic in nature, arising in particular from the patio doors proposed in the north east elevation, which would be visible when viewing the building from the north and north east, including when approaching along the lane. The combination of the size of the proposed extension and this more domestic element mean that the proposal would change the rural character of the building to one more obviously residential in nature and would detract from its simple form.
12. The site and surrounding area are not part of a designated landscape. Nevertheless, the National Planning Policy Framework (the Framework)

¹ Appeal reference APP/B2355/W/21/3268270

includes a requirement that decisions should recognise the intrinsic character and beauty of the countryside.

13. The fact that the Inspector for the 2021 appeal scheme removed permitted development rights for extensions to the building does not necessarily mean that one would be unacceptable. Rather, it would give the Council the opportunity to assess any such proposal to ensure that it would be appropriate in terms of the character and appearance of the area. However, this does not alter my view on the acceptability of the proposed development.
14. The appellants highlight an appeal decision² and Council decisions³ where the 30% figure in the SPDs were not followed. I do not have the full details of these cases. However, from the information that is before me, it appears that these cases are not directly comparable to the current appeal scheme with regard to the character of the host building and the locational context and resulting effect on the character of the area.
15. The proposed development would harm the character and appearance of the surrounding rural countryside. As such, it would conflict with Policies 1, 18, 21, 23 and 24 of the Core Strategy Development Plan Document: The Way Forward (2011 – 2026), adopted 2011. Collectively, these policies seek to ensure that new development is of a high quality design and responds to local context, distinctiveness and character, that harmful impacts to landscape assets are avoided and that strict consideration is given to the impact of rural development on the countryside, amongst other matters.
16. It would also conflict with the guidance in the Alterations and Extensions SPD and the objectives of section 15 of the Framework, the most relevant of which are summarised above.

Living Conditions

17. The proposed site plan shows that only a very limited outdoor area would be provided, with virtually all of this being used for the parking spaces required by the Highway Authority. Neither the Framework nor the National Design Guide require a minimum level of amenity space at a dwelling. However, given that the proposal is for a four bedroom dwelling, it is more likely to be used as family accommodation where there would be a reasonable expectation of a private external amenity area. The proposed development would not provide suitable space for the normal domestic activities such as sitting out, drying washing or children playing. Whilst I acknowledge that the site has open fields in close proximity and there are a number of PRow in the area, these would not be reasonable alternatives to the use of appropriate privately accessed outdoor amenity space.
18. I note that previous schemes for the building were refused permission on the grounds that a larger amenity space would urbanise the countryside. The appellants contend that the Inspector for the 2021 appeal scheme considered the limited amenity space in a positive way, by noting the reduced curtilage, and that the impact associated with the domesticating features would be limited and not, by themselves, sufficient to withhold permission.

² Appeal reference APP/B2355/D/11/2148083

³ Application references 2015/0331; 2020/0278 (the officer report submitted by the appellants has the reference 2020/0071)

19. I do not have the full details of the previous schemes. However, from the information submitted, the 2021 appeal scheme was for a two bedroom dwelling and did not involve an extension to the building, therefore retaining a larger area of land. There is clearly a balance to be struck when dealing with the conversion of a modest building to a dwelling in a countryside location such as is the case here, between avoiding an overly domestic development and providing appropriate amenities for future occupiers. Whilst the 2021 appeal scheme may have achieved this balance, it is not directly comparable to the current proposal. I cannot therefore draw any direct comparisons that would weigh in favour of the appeal scheme.
20. The prior approval process does restrict the curtilage for certain types of proposal such as those associated with a change of use of an agricultural building to a dwellinghouse. However, the prior approval process is different to that for a planning application. A local planning authority does not have control over curtilage, which is a legal concept rather than a use of land, in the prior approval process, whereas the provision of appropriate amenity space may be a requirement of the development plan or material consideration when determining a planning application. The two processes are not therefore directly comparable.
21. Two appeal decisions⁴ have been drawn to my attention, which the appellants consider raise similar issues to the current appeal scheme. The first of those relates to a prior approval case, which, as set out above, is not directly comparable to the appeal scheme. Details of the circumstances that led to the second of those cases being granted permission are not before me, although it does appear that the proposal was to create a three bedroom dwelling and, in addition to parking provision, there was sufficient space to dry clothes and provide some outside seating. I have accordingly considered the appeal scheme on its own merits.
22. Having regard to the overall size of the accommodation, I am not persuaded that the proposal would provide future occupiers with an adequate or satisfactory form of outdoor amenity space. It would therefore conflict with the design objectives in chapter 12 of the Framework, which seek to ensure that developments create places with a high standard of amenity for users amongst other considerations. It would also conflict with the guidance in the National Design Guide which seeks, amongst other matters, to ensure well designed homes that are fit for purpose.

Conclusion

23. The proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR

⁴ Appeal references APP/B2355/W/20/3260238 and APP/B2355/W/19/3235715