
Appeal Decision

Site visit made on 28 June 2022

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 08 July 2022

Appeal Ref: APP/E2340/C/22/3294708

The Bungalow, Dam Head Farm, Blacko Bar Road, Roughlee, Lancashire BB9 6NX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Reid Nutter against an enforcement notice issued by Pendle Borough Council.
- The enforcement notice was issued on 10 February 2022.
- The breach of planning control as alleged in the notice is the erection of a building.
- The requirements of the notice are:
 - 1) Demolish the building in its entirety.
 - 2) Remove from the land all materials and debris associated with compliance of the above requirement.
- The period for compliance with the requirements is within one month.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Application for costs

1. An application for costs was made by Pendle Borough Council against Mr Reid Nutter. This application is the subject of a separate decision.

The appeal on ground (a)

2. The ground of appeal is that planning permission should be granted for what is alleged in the Notice. The main issue is whether the development conserves the landscape and scenic beauty of the Forest of Bowland Area of Outstanding Natural Beauty (AONB).
3. Paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving the landscape and natural beauty of AONBs. The Forest of Bowland AONB Supplementary Planning Guidance December 2003 (the SPG) describes the area is being characterised by central upland core with summits above 450 metres and vast tracts of heather-covered peat moorland. This is dissected by steep-sided valleys which open out onto rich green lowlands.
4. The appeal site is situated to the rear of houses in Roughlee and in an area of open countryside where buildings are largely absent from the area outside the local settlement. There is a public right of way to the west of the site which follows the line of the access track.

5. The building is visually prominent from its immediate surroundings, including the adjacent public right of way and it is very much at odds with its sensitive landscape setting as an incongruous and alien structure. The design of the building has been poorly conceived it is of a very rudimentary construction comprising timber external walls with some Perspex sections and a corrugated plastic and metal roof. The front elevation comprises of a metal gate which encloses an otherwise open frontage through which stored items can clearly be seen. This exacerbates the poor appearance and exposes the functional purpose of the building which has been erected without adequate consideration being given to its design and sensitive landscape setting. I acknowledge that there are other buildings in the local countryside, but these are mainly stone, pitched roof buildings. Any other timber structures in the area are mainly attached to other vernacular buildings, rather than being sporadic non-vernacular features.
6. The appellant has stated that the building is in-keeping with agricultural needs, but other than the presence of a vintage tractor on site there is no clear evidence of agricultural use of the land nor of the appellant's agricultural activities elsewhere. Therefore, no weight can be given to that particular argument.
7. Therefore, I conclude that the development fails to conserve the landscape and scenic beauty of the Forest of Bowland AONB. As such it conflicts with Policies ENV1 and ENV2 of the Local Plan for Pendle Core Strategy 2011-2030 Adopted 17 December 2015 and the Framework. Among other objectives these seek to ensure that developments make a positive contribution to the protection, enhancement, conservation and interpretation of the natural environment. Great weight will be given to conserving landscape and scenic beauty and development should achieve the highest possible standards of design and contribute to the sense of place.

Conclusion

8. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

9. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act as amended.

A A Phillips

INSPECTOR