
Appeal Decision

Site visit made on 22 June 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2022

Appeal Ref: APP/E2340/W/21/3288226

Land to the Rear of 145 and 147 Wheatley Lane Road, Barrowford BB9 6QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr and Mrs Yates and Mr and Mrs Nelson against the decision of Pendle Borough Council.
 - The application Ref 21/0479/PIP, dated 1 June 2021, was refused by notice dated 11 August 2021.
 - The development proposed is the erection of two detached dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of two detached dwellings comprising a minimum of 1 and a maximum of 2 dwellings at Land to the Rear of 145 and 147 Wheatley Lane Road, Barrowford BB9 6QN in accordance with the terms of the application Ref 21/0479/PIP, dated 1 June 2021.

Preliminary Matters

2. The Planning Practice Guidance (PPG) advises that permission in principle 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.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted (PPG Paragraph: 012 Reference ID: 58-012-20180615). All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted.
4. The appellant has provided a 'Proposed Sketch Layout' drawing to demonstrate how two dwellings could be accommodated on the site. As this is an application for permission in principle, I have considered this drawing to be indicative only.
5. I have taken the site address from the decision notice rather than the planning application form as there appears to be an error within the latter. The decision notice and appeal questionnaires from both main parties give the addresses of the properties as '145 and 147', and I have proceeded on this basis.

Main Issue

6. The main issue is the effect of the proposal and its location on the character and appearance of the area, including the significance of the Carr Hall/Wheatley Lane Road Conservation Area (CA).

Reasons

7. The appeal site comprises the lower sections of the rear garden areas of No's 145 and 147 Wheatley Lane Road. The submitted 'Proposed Sketch Layout' plan (Ref 6200 – P01) indicates access would be taken from the highway to the side of No 145. The host properties are a pair of semi-detached dwellings with generous setbacks from the road and large rear gardens. The local area has a semi-rural character, with open countryside to the north and west and the towns of Barrowford and Nelson to the east.
8. The disputed consideration of the permission in principle is that of location, in so far as it relates to the CA. As such, as decision maker I must fulfil my duty under section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in regard to that matter.
9. The CA Appraisal (July 2010) describes the significance of the CA as deriving from its historic association with, and development from, the Carr Hall Estate. Furthermore, houses generally sit on large plots stemming from the sale of land from the former estate for low density, higher status housing development from the late 19th century onwards. The host properties sit on generous plots and as such, contribute to the significance of the CA.
10. The Council's appeal statement details that the proposal would suburbanise the character of the area and erode the spacious nature of the host plots and the CA overall. However, the proposal is for permission in principle. The submitted plan is indicative and for illustration only and does not offer detailed design at this stage of development, regardless of the Council's housing land supply position.
11. However, this plan does demonstrate that the resultant four plots are capable of remaining generous. The technical details consent stage would deal with matters such as the layout, access, design, materials and landscaping. With a sympathetic design, layout and consideration of the topography of the site, it would be feasible for a high-quality scheme to be provided that would complement the character and appearance of the CA. I therefore find that the proposal would preserve the significance of the CA at this stage.
12. I have had regard to the planning appeal before me (APP/E2340/W/19/3223877) which concerned an application for permission in principle for a dwelling and detached garage in the same Council area. However, as the Council concedes, the issues at hand in that case do not relate to a Conservation Area and each case should be assessed on its own merits. I also have limited information before me on that case.
13. To conclude, the proposal would not harm the significance of the CA due its location in principle. This would accord with Policy ENV2 of the Local Plan for Pendle (adopted December 2017) which advises all new development should enhance and conserve heritage assets. The proposal would also accord with paragraph 199 of the National Planning Policy Framework, which advises when considering the impact of a proposed development on the significance of a

14. designated heritage asset, great weight should be given to the asset's conservation.

Other Matters

15. I have had regard to the comments provided by local residents and third parties. I have addressed matters of character and appearance and the CA in my reasoning.
16. I acknowledge the concerns raised regarding a number of other matters. These include the effect on the living conditions of neighbouring properties; increased traffic and potential safe use of the access track; noise and disturbance during construction works; trees; wildlife and habitats; a nearby gas main; and wastewater disposal and drainage. However, these matters which would be assessed at the technical details consent stage following the submission of detailed plans and reports. At this stage, the issues are limited to those related to location, land use and amount of development. I have found the location to be acceptable, while the proposed residential use and amount of dwellings would be compatible in the local context in principle.
17. Other matters such as the legal ownership of the access track are not within my remit to consider in the context of the appeal. Moreover, while precedent is raised as another concern, there is nothing before me to indicate other applications would come forward as a result of this appeal. In any event, they would be considered on their own merits should they advance, while the granting of this permission in principle does not grant planning permission. This would require the approval of the technical details consent.
23. Anecdotal evidence indicates that the site provides habitat for wildlife, including bats. It is not a requirement of a permission in principle application to provide an ecological appraisal. However, it will still be necessary, through the technical details consent stage, to demonstrate that there will be no harm to protected species, and to ensure that the development minimises the impacts on, and provides net gains for, biodiversity as advised by paragraph 170 of the Framework.

Conclusion

18. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development.
19. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be allowed.

C McDonagh

INSPECTOR