



Appeal Decision

Site visit made on 27 July 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18th August 2022

Appeal Ref: APP/B2355/W/21/3289806

**Hargreaves Fold Farm Barn, Hargreaves Fold Lane, Lumb, Rossendale
BB4 9RU**

- 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 A Kyme against the decision of Rossendale Borough Council.
 - The application Ref 2021/0556 dated 20 September 2021, was refused by notice dated 23 December 2021.
 - The development proposed is an agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural building at Hargreaves Fold Farm Barn, Hargreaves Fold Lane, Lumb, Rossendale BB4 9RU, in accordance with the terms of the application Ref 2021/0556 dated 20 September 2021 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Amended), received by the Council on 4 October 2021; and Proposed Site Plan, Plans and Elevations drawing no. AK-15-09-21, received by the Council on 4 October 2021.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises an area of land in the open countryside set within a field enclosed by stone walls and fencing. It is located within the Rossendale Hills Landscape Character Area, acknowledged as an area dotted with a network of small, remote farms. The site sits adjacent to Hargreaves Fold Barn set back from, and rising slightly above, a modest and tight knit cluster of development to the west, largely comprising agricultural buildings and residential dwellings. A recently approved agricultural barn is also visible to the north. Overall, due to the nature and design of the development present and the surrounding openness, the immediate area retains a rural feel.
4. The proposal seeks to erect an agricultural building. The main parties agree that such a building at the site is acceptable in principle, with the design reflective of other agricultural units. Based on my observations, I have no

reason to disagree. Among the immediately surrounding development and particularly alongside nearby agricultural buildings, the nature and design of the proposal would not appear out of place.

5. The main parties further agree that the proposal could facilitate the expansion of a farming business, with the appellant stating its intention to use it in connection with this. While the Council queries the need for the proposal due to the recently approved agricultural building nearby, it is accepted that establishment of need is not a requirement in either local or national policy.
6. The building would result in additional built form within the vicinity, visible from the surrounding footpath network. However, it would not be of such sizeable dimensions to appear overly prominent within this setting. While it would sit at a slightly higher level than the development to the west, as a result of its somewhat modest dimensions, particularly when viewed in the context of the larger agricultural building to the north, it would not appear unduly dominant in this location.
7. The proposal would be read as an extension of the adjacent cluster of development and would not appear isolated within the surrounding context. However, it would also be positioned slightly further east, set back from the built form of Hargreaves Fold Barn and the other buildings present. In addition, an appropriate separation distance would be retained from the agricultural building to the north such that, while experienced together, the buildings would not appear cramped alongside each other.
8. Accordingly, the proposal would not result in an undue proliferation of built form within the immediate vicinity. As a result of its dimensions and positioning there would be no sense of visual clutter or harmful accumulation of built development within the immediate area, ensuring that a largely open and rural character would remain at the site and within the wider surrounds.
9. For the reasons given I find the development would not have a significant adverse effect on the character and appearance of the area. As such, it would accord with Policies SD2 and ENV1 of the Rossendale Local Plan 2019 to 2036, which seek to ensure development takes account of the character and appearance of the area and enhances the rural character of the countryside. It would further comply with Policy SS, insofar as it relates to protecting the character of rural areas, and paragraph 15 of the National Planning Policy Framework, which recognises the intrinsic character and beauty of the countryside.
10. While Policies ENV4 and LT6 are noted in the Council's decision notice, these relate respectively to designated sites and protected species, and farm diversification, which are not relevant to this appeal. Policy SD1, which has also been cited, relates to the presumption in favour of sustainable development and, as outlined above, I have concluded that the proposal would comply with the policies in the local plan.

Other Matters

11. Concerns have been raised regarding the potential effect of the proposal on flood risk. However, I note that the Council did not raise any issues in this regard. Based on my observations I have no reason to disagree, and note that

no substantive evidence has been put forward suggesting that the proposal could give rise to flood risk.

12. Further concerns were raised on the potential effect of the proposal on the living conditions of surrounding occupiers regarding outlook, light and privacy. The dimensions and positioning of the proposal relative to surrounding residential properties would ensure that there would be no such impacts, with an adequate level of outlook, light and privacy remaining at nearby properties. I again note that the Council did not raise any issues in this regard.
13. While reference has been made to damage in the vicinity of the site both in the past and potentially as a result of the proposal, this is a private matter between the parties. Similarly, the existence of any legal access agreement and potential breaching of its terms is a private matter that falls outside my assessment of the planning merits of the proposal.
14. Reference has also been made to previously refused applications for similar structures at or close to the site. However, no substantive or in-depth evidence of such proposals or their comparability to the current scheme have been provided. In any event, each case is decided on its own site specific circumstances, and a general reference to other schemes carries little weight.
15. Concerns have been raised that, if allowed, the proposal would be put to an alternative use than that applied for, citing ongoing enforcement action. However, limited evidence is provided on such action and, in any event, I must decide the case on its own merits on the basis of the information before me, including the description of development that has been applied for.
16. I note that both Hargreaves Fold Farmhouse South and No. 5 Hargreaves Fold Cottages are Grade II listed buildings. However, the Council has confirmed the proposal would not cause harm to their significance. Based on my observations, I have no reason to disagree. Due to the siting of the proposal relative to these buildings, no harm would be caused to their significance.

Conditions

17. I have had regard to the conditions suggested by the Council, and the comments of the appellant thereon. The standard time limit condition and a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning and certainty. I also note that the approved plans specify the materials to be used in construction.

Conclusion

18. For the reasons given, the proposal would accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be allowed subject to the conditions at paragraph 1 of this decision.

C Rafferty

INSPECTOR