



Appeal Decision

Site visit made on 27 July 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal Ref: APP/B2355/W/21/3289340

Land at Greendale Avenue, Newchurch, Rossendale, Lancashire

- 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 C Green against the decision of Rossendale Borough Council.
 - The application Ref 2021/0327, dated 21 May 2021, was refused by notice dated 16 December 2021.
 - The development proposed is the construction of 1 detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (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.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. A site layout plan showing a dwelling and detached garage has also been submitted with the appeal, which I have considered as indicative only.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. The appeal site comprises a plot of land within the open countryside, sitting just outside the defined urban boundary. It is accessed via the residential Greendale Avenue but is immediately surrounded in other directions by open fields. The site comprises sections of gravel with several containers and an

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

area of decking but otherwise remains free from development, reflective of and positively contributing to the open countryside within which it sits.

7. Policy SD2 of the Rossendale Local Plan 2019 to 2036 states new development will take place within defined urban boundaries except where it specifically needs to be located within the countryside and enhances the rural character of the area. Because of its proximity to the urban area the proposed dwelling would not be in an isolated location and would have access to services and facilities. However, there is no substantive evidence that it specifically needs to be within the countryside.
8. The rural character of the area, and the contribution of the site to this, is visible from the surrounding footpath network. Despite the proximity of other dwellings, the site is visually separated from nearby residential development and is experienced primarily alongside adjoining open land.
9. While the design of the proposal would be considered at a later stage, the erection of a dwelling of any scale and design would introduce permanent residential built form at the site. In the context of the immediately surrounding fields, this would appear as an incongruous addition to the landscape, at odds with the predominantly open nature of the countryside that envelopes the site. The proposal would also introduce residential paraphernalia, further highlighting the presence of a standalone residential use and contributing to the encroachment on the openness of the surrounds.
10. As such, while the removal of the storage and structures currently present at the site may have some visual benefit, the erection of a dwelling would nevertheless fail to enhance the rural character of the area. Indeed, a residential land use in this location would serve to unduly erode the overall open countryside character of the site and immediate surrounds.
11. For the reasons given, the site would not be suitable for residential development, having regard to its location, the proposed land use and the amount of development. It would therefore fail to comply with Policies SD2, ENV3 and ENV1 of the Rossendale Local Plan 2019 to 2036, which together seek to ensure that development is directed towards suitable locations, is in keeping with surrounds, and takes account of the character and appearance of the local area.

Other Matters

12. A dwelling was granted outside the urban boundary by an appeal decision² at Shawclough Farm in Rossendale. However, that was set among buildings. This differs from the appeal site which is primarily among open fields. While the appellant has provided a decision notice³ for another dwelling permitted outside the urban boundary, there is no evidence this site is comparable to the current case. In any event, the proposal has been considered on an individual basis and the acceptance of other developments referred to is of little weight.
13. The appellant refers to comments made by the Council in relation to another appeal that proposals on small sites adjacent to settlement boundaries should be carefully considered and supported if they are sustainable. However, this does not represent adopted development plan policy.

² APP/B2355/W/21/3266588

³ 2019/0473

Planning Balance

14. The Council accepts that it does not have an up to date 5 year housing supply and that housing delivery has been less than 75% over the past three years. Paragraph 11(d) of the National Planning Policy Framework (Framework) is therefore relevant.
15. The Government's objective is to significantly boost the supply of housing and the Framework states that small and medium sized sites can make an important contribution. I also acknowledge that the Housing Delivery Test 2021 measurement for Rossendale was 57% of its requirement, such that 221 dwellings that were required were not delivered. Nevertheless, the proposal would only result in one additional dwelling and so its impact on the future delivery of housing would be limited. Overall, I consider that the contribution of the proposal to housing supply by providing a single dwelling should be afforded moderate weight in the planning balance.
16. I have found that the site is not suitable for residential development. As such, the proposal would be contrary to parts of the Framework which require that development adds to the overall quality of the area, is sympathetic to local character, and recognises the intrinsic character and beauty of the countryside. I acknowledge that, in requiring certain development to be within the defined urban boundary, Policy SD2 of the RLP constrains the possible location of new housing. Nevertheless, elements of Policies SD2, ENV3 and ENV1 of the RLP remain consistent with those parts of the Framework outlined above, with which the proposal conflicts.
17. I find that the adverse impacts of the proposal would be significant and, even acknowledging the weight afforded to the provision of housing at the site, in the context of paragraph 11(d) of the Framework, the harm that would be caused would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
18. On this basis, I find the proposal would conflict with the development plan and that material considerations, including the Framework, do not indicate that a decision contrary to the development plan should be reached.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR