



Appeal Decision

Site visit made on 26 July 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/B2355/W/21/3288690

**Higher Mount Pleasant Farm, Sand Beds Lane, off Gin Croft Lane,
Edenfield, BL0 0GQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms L Sorobini against the decision of Rossendale Borough Council.
 - The application Ref 2021/0583, dated 11 October 2021, was refused by notice dated 1 December 2021.
 - The development proposed is change of use of an agricultural building used in connection with an existing agricultural unit to 2 dwellings plus associated operational development.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issues

2. There is no dispute that the appeal scheme meets the requirements of paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), such that it would constitute development permitted under Class Q subject to the prior approval of a number of matters. For development permitted under Class Q(a), namely a change of use from an agricultural building to Use Class C3 dwellinghouse, matters requiring prior approval include the transport and highway impacts of the development, and the design and external appearance of the building.
3. Therefore, the main issues are whether or not prior approval should be granted, having particular regard to:
 - i) The transport and highway impacts of the development; and
 - ii) The design and external appearance of the building.

Reasons

Transport and highways

4. The appeal building is accessed from Gin Croft Lane via Sand Beds Lane, which also functions as a Public Right of Way. The access was described in an earlier appeal decision¹ as a long single width track, unevenly surfaced, with sharp

¹ Ref APP/B2355/W/20/3260238

inclines, no street lighting and limited passing places. The previous Inspector noted that it was a difficult road to negotiate with, in places, limited forward visibility. As a result, vehicles meeting may be required to reverse for some distance to find suitable passing places and vulnerable road and footpath users are required to move onto sometimes narrow grass verges to allow vehicles to pass.

5. The appeal is supported by a map annotated with the locations and photographs of the passing places. While this was not presented to the previous appeal, nevertheless that Inspector visited the site and observed the passing places along the access. As noted by the Highway Authority, there is little evidence that the number of passing places has increased since the earlier appeal. Moreover, the limited places where the access track is not constrained by banks and walls, and where a vehicle could theoretically drive onto the adjacent soft verges or field edges, are not safe passing places.
6. I visited the appeal site on a weekday during daylight and in summer. Even then parts of the access were rough with areas of mud and loose surfacing, extensive and deep potholes and surface water flooding. The surface condition of some of the steeper unconsolidated sections, and the design of some of the hard surfaced sections, appears to suggest that water runoff from higher lying land may be channelled along the access road during periods of rainfall. This would exacerbate poor driving conditions and, during winter, it could result in significant ice accumulation including on steep inclines. Consequently, I am satisfied that the previous Inspector's description of the access and her conclusions in relation to the implications of an intensification of use for both vehicles and vulnerable users remains accurate and valid.
7. The appeal scheme has been amended to reduce the number of dwellings to 2, from the 4 dwellings considered by the previous appeal. While the individual units would be larger, nevertheless this would be likely to result in a smaller number of vehicles movements than the previously dismissed scheme. Even so, taking into account the very small number of existing properties served by the access road, I find that the vehicle movements associated with future occupiers and their private and commercial visitors would still be a significant increase compared to the existing situation.
8. I accept that the nature and condition of the access track does limit vehicle speeds. However, the fact that there have been no collisions along the route to date may simply reflect historic low domestic vehicle usage and it does not demonstrate that the access is inherently suitable for an intensification of use.
9. Change of use of agricultural buildings to dwellings along Gin Croft Lane have been allowed on appeal². However, Gin Croft Lane is an adopted road and it is the lower lying part of the access road closer to Edenfield. Moreover, it appears to be proportionally better served by passing places than the longer unadopted road beyond. On the basis of the evidence, those schemes do not provide a justification for the proposal.
10. For these reasons, I conclude that the proposal would fail to provide a safe and suitable access for all users of the access road and the public footpath. Consequently, by virtue of the adverse transport and highway impacts of the

² Refs APP/B2355/W/20/3244384 and APP/B2355/W/20/3244397

proposed development, the proposal would fail to comply with the relevant requirements of Class Q.

Design and external appearance

11. The agricultural building and its surrounding context were described by the previous Inspector. In this regard, the building is a large modern utilitarian building with blockwork walls and a corrugated sheet roof. It is in an elevated and prominent location surrounded by open and largely undeveloped moorland. While it is remote from public highways, by virtue of its large size and its siting, it is visible from the surrounding Public Rights of Way network and there are likely to be long views of it in the landscape from more distant locations.
12. The appeal scheme has been amended to take account of the previous Inspector's comments. The lower walls would be rendered, with Yorkshire boarding above. The windows openings in the north elevation would be retained and enlarged. To the south elevation, the existing large opening would be glazed and, together with the retained roller shutter, it would be mirrored at the opposite end of the elevation by a matching window feature. Further openings would be created in the south elevation to provide recessed parking and access to the main entrances, and to serve bedrooms.
13. The north elevation would retain the appearance of an agricultural building. However, the south elevation with its mirror image extensive glazing, roller shutters and recessed parking would be a conspicuous and discordant feature. The large roller shutter door, while functional, is not an attractive feature. Replicating it at the far end of the elevation, and adding further large openings, would not result in a building that adds to the overall quality of the area, is visually attractive or that is sympathetic to local character including the surrounding built environment and landscape setting. While each opening might individually be of a size and shape appropriate to an agricultural barn, cumulatively the effect would not be the appearance of a functional agricultural building. Irrespective of the Yorkshire boarding, the proposal would have a contemporary domestic appearance that would be out of keeping with both the original agricultural design of the building and the expansive, sparsely developed and traditional upland landscape.
14. For these reasons, I conclude that the design and external appearance of the proposal would be unacceptable. Accordingly, it would fail to comply with the requirements of Class Q in this regard.

Conclusion

15. I have found that the proposal would be unacceptable both in terms of transport and highways, and design and external appearance. Therefore, as it would fail to accord with the relevant requirements of Class Q, I conclude that the appeal should be dismissed.

Sarah Manchester
INSPECTOR