



Appeal Decision

Site visit made on 12 July 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 16 September 2022

Appeal Ref: APP/B2355/W/21/3286680

Close Nook Farm, Rochdale Road, Ramsbottom, Bury, Lancashire, BL0 0RR

- 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 and Mrs C Brown against the decision of Rossendale Borough Council.
 - The application Ref 2020/0594, dated 11 November 2020, was refused by notice dated 9 November 2021.
 - The development proposed is a replacement farmhouse.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Two applications for costs have been made: by Mr and Mrs C Brown against Rossendale Borough Council; and by Rossendale Borough Council against Mr and Mrs C Brown. These applications are the subject of a separate Decision.

Preliminary Matters

3. I have taken the description of the development from the application form in the banner heading above. It is more comprehensively described in the decision notice as demolition of existing farm house, and construction of a replacement four-bedroom farm house with associated works.
4. There is another appeal (ref APP/B2355/W/21/3285842) at this site for a replacement agricultural building and construction of associated access track and hardstanding. Neither party has indicated that scheme would have any implications for the appeal before me. Therefore, and irrespective of the outcome of that appeal, I have considered this appeal on its own merits.
5. In December 2021, after the Council determined the planning application, it adopted the Rossendale Local Plan 2019 to 2036 (the LP). Accordingly, the Core Strategy policies cited in the Council's decision notice have been superseded and they are not relevant to the appeal, which must be determined in accordance with the current development plan. Based on the evidence before me, the relevant LP policies are ENV1, ENV3 and HS10.
6. The LP was at an advanced stage of preparation when the application was determined and the appeal was made, and the appellants were aware of it. Moreover, the adopted LP is referred to in the Council's statement of case. Both parties are aware of the adopted LP policies and they have been provided with the opportunity to comment on the implications for their cases through the

appeal process. I am satisfied that neither party has been prejudiced by my determination of the appeal in accordance with the development plan.

7. Although planning permission was not refused on grounds relating to the Green Belt, the appellants consider the main issues in the appeal include whether or not the proposal would be inappropriate development in the Green Belt. In this regard, while the Council does not explicitly state that the proposal would be inappropriate development, the parties dispute whether or not the replacement dwelling would be materially larger than the existing dwelling and they disagree about the impact on the openness of the Green Belt and the countryside. In the absence of agreement on this substantive matter, and in order to determine the appeal in accordance with the development plan, it is necessary for me to consider the proposal against the relevant policies in the LP and the National Planning Policy Framework (the Framework) that protect the Green Belt. Taking into account that both parties are familiar and have engaged substantively with the relevant Green Belt policies, I am satisfied that neither would be prejudiced by my assessment of the proposal on this basis.

Main Issues

8. Therefore, the main issues are:

- i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the revised Framework and any relevant development plan policies;
- ii) The effect on the openness of the Green Belt and the character and appearance of the countryside; and
- iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the proposal would be inappropriate development

9. The appeal relates to a replacement dwelling at Close Nook Farm, which is a small farmstead that includes a traditional farmhouse with an attached stone barn, a more modern detached blockwork barn and extensive areas of hardstanding. The appeal site is in the countryside and the Green Belt.
10. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and it should not be approved except in very special circumstances. LP Policy HS10 requires that replacement dwellings in the Green Belt do not detract from openness to a greater extent than the original dwelling and they are not materially larger than the dwelling they replace. This is consistent with Framework paragraph 149 which sets out that new buildings are inappropriate in the Green Belt, subject to a number of listed exceptions including 149 d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
11. The Council's Alterations and Extensions to Residential Properties Supplementary Planning Document Adopted June 2008 states that extensions should not normally exceed 30% of the volume of the original dwelling. While this may provide a rule of thumb for size increases more generally, it does not

specifically state what should be considered materially larger in the context of a replacement building. In this regard, the Framework does not specify that 'materially larger' relates only to built volume and not to other physical dimensions such as floor space, footprint, height or width.

12. Case law has established that the extent of built development is essentially a question of fact. In this case, the appellants state that the proposed dwelling would be a 29% increase in the volume of the existing buildings, these being the dwelling and an attached barn. However, no detailed calculations have been provided in relation to the comparative size of the existing buildings and the proposal.
13. The proposed floor plans are annotated with external measurements for the ground floor, but only internal measurements for the first floor bedrooms. The proposed elevation plans include the eaves and ridge height of the 2 storey part but not the heights of all elements of the building. While the CAD drawings for the topographic survey illustrate the existing layout and include heights of floor levels, eaves and ridge, no annotated existing floor and elevation plans have been provided. Taking into account the complicated 3-dimensional shape of the existing buildings, the external and internal volumes, depths, widths and height of the various parts are not clear from the topographic plans. Neither the Council nor interested parties are able to confirm that the stated volume increase is accurate.
14. Even if I accepted there would be only a 29% increase in volume, as noted above the question of whether or not something is materially larger is not solely a question of volume. In the absence of comprehensive and comparable measurements of the existing and proposed buildings, there is insufficient evidence to enable a robust comparison in terms of all dimensions. However, the proposal would apparently be markedly taller to eaves and ridge. By virtue of its increased height and volume, scale and massing, I find that the proposal would be materially larger than the buildings it would replace.
15. LP policy HS10 specifically refers to a replacement dwelling and the dwelling it replaces. Therefore, for the purposes of the LP policy, the attached barn should be excluded from the volume calculations, in which case the proposal would clearly be materially larger than the existing dwelling it would replace.
16. For the purposes of paragraph 149 d) of the Framework, case law has established that a larger single building can replace a group of existing buildings, provided they can sensibly be considered together in comparison with what is proposed to replace them. However, while the attached barn should not necessarily be excluded from the volume and size calculation simply on the basis that it is not part of the dwelling, paragraph 149 d) requires that the new building is in the same use as the one it replaces. In this regard, there is little evidence that the barn, which is part of a working farmstead, is in the same use as the residential dwellinghouse.
17. Therefore, I conclude that the replacement dwelling would be materially larger than the dwelling it replaces. The proposal would not be acceptable development in the Green Belt for the purposes of LP Policy HS10. Moreover, the replacement building would be materially larger than the buildings it would replace, and it would not demonstrably be in the same use as the existing buildings. As the proposal does not meet the exception in Paragraph 149 d) of the Framework, I conclude that it is inappropriate development in the Green

Belt. It would conflict with LP Policy HS10 and the policies in the Framework that protect the Green Belt.

Openness and character and appearance of the Green Belt and the countryside

18. Paragraph 137 of the Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
19. The appeal site lies between Rochdale Road and Black Lane in an open upland landscape. The surrounding area is characterised by grassland fields enclosed by low stone walls and, on higher ground, expansive areas of less intensively managed rough grassland and moorland. It is a sparsely developed rural landscape, with scattered and isolated dwellings and small farmsteads formed from traditional farmhouses and closely associated agricultural buildings. The area is not covered by a landscape designation, but it is acknowledged to be an attractive upland moorland landscape.
20. The existing farmhouse dates from the mid 19th century and it forms part of a cluster of buildings with the attached and detached barns. Irrespective that it is not a listed building nor of particular architectural merit, it is an unassuming traditional dwelling and it is part of a farmstead group. In this regard, it is typical of traditional rural farmstead development in the area. Consequently, the relationship of the farmhouse and farmstead buildings makes a positive contribution to local distinctiveness and sense of place.
21. The proposal would be a large detached 2 storey dwelling. It would have a long single storey extension to across the side elevation, protruding beyond it by several metres to include a double car port. A tall chimney would protrude above the single storey eaves of this extension. A monopitch canopy roof on pillars would extend from the car port above the kitchen window and main entrance. The extensions would feature extensive glazing. While I accept that stone and blue slate may be traditional materials, taking into account its design and the illustrated Jewsons pitch faced course natural stone, the proposal would have a contemporary and somewhat urban appearance.
22. The dwelling would be prominently sited closer to Black Lane and roughly 50m from the existing farmhouse. The open landscape and topography would allow close and distant views of it from roads and the network of public rights of way in the area. In contrast to the existing farmhouse, the proposal would not be well-related and it would not be readily seen in the visual context of the farmstead buildings. It would be a conspicuously large modern dwelling that would be out of keeping and it would have an urbanising effect on its traditional surroundings. It would extend the visual envelope of built development and it would not be read as part of a traditional farmstead group.
23. Consequently, by virtue of its incongruous design, its scale and bulk, and its severance and separation from the agricultural buildings, the proposal would be a discordant and visually obtrusive feature that would be out of keeping with the surrounding rural built environment and open upland landscape setting.
24. I conclude that, while there would be no spatial loss of openness, the adverse visual impact would result in a significant harmful loss of openness of the Green Belt. This is a matter that attracts substantial weight. Furthermore, the proposal would harm the traditional rural character and appearance and

openness of the countryside. It would conflict with LP policies ENV1, ENV3 and HS10. These require, among other things, that development takes account of the character and appearance of the local area and landscape character including in terms of layout, that it is appropriate to its surroundings and it takes opportunities to improve the distinctive qualities of the area and that replacement dwellings do not detract from the openness of the Green Belt or the countryside to a greater extent than the original dwelling.

Other Considerations

25. I understand that it might be inconvenient for the appellants to live elsewhere while the development was carried out. However, replacement dwellings are often constructed in the same location as the dwellings they replace and there is little evidence that this would be anything other than a short-term arrangement. The evidence suggests that the wide siting from the agricultural buildings would also be necessary to separate the dwelling from potential noise sources. However, there is little evidence that the agricultural operations result in significant adverse noise impacts. In any case, the proposal would be a replacement farmhouse such as are frequently located close to farm buildings in order that agricultural workers can be within sight and sound of livestock. Refused schemes for residential barn conversions close to agricultural buildings elsewhere are not demonstrably comparable to the proposal. These matters carry little positive weight.
26. The existing farmhouse is stated to be in need of repair, with a dated internal layout and poor energy efficiency. However, no building survey has been provided. There is little evidence in relation to its current or potential energy performance or to demonstrate that the proposal would be an outstanding or innovative design which promotes high levels of sustainability. It has not been demonstrated that the internal layout results in an unacceptable standard of living accommodation. These matters, and the appellants' preference for a modern dwelling, carry little weight in favour of the proposal.

The Green Belt Balance

27. I have concluded that the proposal would be inappropriate development in the Green Belt. It would result in a moderate and harmful loss of openness of the Green Belt. The Framework advises that substantial weight must be given to any harm to the Green Belt. In addition, the proposal would harm the traditional rural agricultural character and appearance of the area.
28. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

29. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR