



Appeal Decision

Site visit made on 22 August 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2022

Appeal Ref: APP/B2355/W/22/3296094

**Lench Fold Clough, Lench Fold Farm, Cowpe Road, Cowpe, Rossendale
BB4 7AF**

- 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 L Withey against the decision of Rossendale Borough Council.
 - The application Ref 2020/0536, dated 26 March 2020, was refused by notice dated 25 January 2022.
 - The development proposed is described as change of use of menage to use for vehicle parking, storage and storage of Materials (Use Class B8).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. From my site visit and the evidence before me, the change of use has already taken place and therefore the appeal seeks permission retrospectively.

Main Issues

3. The effect of the proposed development on:
 - The character and appearance of the area;
 - Pedestrian safety of the users of public footpath 358; and
 - The living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site sits within the countryside in a prominent hillside position, at the end of a long, narrow and steeply inclined road, shared with a small number of other properties. On entering the access road from Cowpe Road the area is primarily residential but does feature some small-scale industrial uses. In contrast, as you progress up the hill on the access road, links to industrial activity diminish and the character changes to a traditional rural setting with countryside to either side of the road and the occasional residential property.
5. The immediate surrounding area of the appeal site includes built development at different levels, multiple areas of hardstanding used for the parking of vehicles, stone outbuildings with covered parking bays and a large, detached house. The appeal site itself sits in an elevated position, surrounded by fencing

and accessed from an area of hardstanding via a long concrete ramp. At the time of my site visit the site contained a steel container and a trailer.

6. The storage of commercial vehicles and materials, even when contained within a single enclosed area, changes the character of the appeal site and appeal property from a rural, residential property to that of a commercial operation. Even if the number of vehicles stored is limited to three vehicles and a trailer, the storage of materials is not limited within the large area of the appeal site. This appears out of keeping in such an elevated rural position and incompatible with the character and appearance of the surrounding countryside. Whilst the local topography, existing woodland and proposed landscaping – which would take some time to establish – would screen the development to an extent, it would remain visible from neighbouring properties and public rights of way. Whilst I appreciate that agricultural vehicles and equipment could be stored on open land, these would be expected within such a setting and in keeping with the rural character of the area.
7. The appeal scheme therefore results in an incongruous and dominant form of development that unacceptably harms the character and appearance of the area. As such, it conflicts with Policy ENV3 of the Rossendale Local Plan (2021) (the Local Plan), which seeks to conserve and enhance the natural and built environment. It is also contrary to the National Planning Policy Framework (The Framework), which states in paragraph 130 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.

Pedestrian safety

8. Access to the appeal site is via a long, narrow access road which features a steep gradient. Public footpath 358, part of the 'Round the Hills' walking route, runs along the access lane. The road itself does not include a separate footpath or feature wide enough grass verges for walkers to separate themselves from vehicles using the road. Walls and fences to both sides add to the sense of enclosure and lack of passing places. Towards the bottom of the hill, the road is particularly narrow and includes blind bends, meaning users are unable to see pedestrians ahead.
9. I appreciate that the highways authority has not objected to the development as they consider the local road network has capacity to accommodate the traffic arising and I also note that the road is private and does not accommodate through traffic. Nevertheless, from my site visit, it was clear that the narrow road, with its blind bends and lack of safe areas for pedestrians, results in a high risk of potential conflict between vehicles and pedestrians and an unacceptable level of harm to pedestrian safety for users of public footpath 358. This conflicts with the Framework which in paragraph 112 seeks to minimise the scope for conflict between pedestrians and vehicles.
10. I have no evidence before me to compare similar situations within Rossendale where lanes are shared with pedestrians and whilst there are alternative public footpath routes available, this does not prevent the harm to pedestrian safety for users of footpath 358. I recognise that the original use as a riding arena could give rise to traffic such as horse boxes and that an agricultural use on the site could give rise to agricultural traffic movements, however, this is unlikely to be at the same frequency as a commercial operation which relies on vehicles and materials being moved on and off site daily.

Living conditions

11. Policies EMP5 and EMP6 of the Local Plan, in summary, support new small scale employment development where there would be no detriment to the amenity of the area in terms of a number of factors, including noise and disturbance, having regard to the location of the development and existing levels of background noise. Given the rural setting of the appeal site surroundings and the lack of through traffic, without the appeal proposal, it is reasonable to conclude that levels of background noise and traffic noise are low.
12. The appellant states that the use is limited to the parking of three vehicles and one trailer in accordance with the operator's licence and states that they anticipate this to equate to around eight vehicle movements per day. The exact size of the vehicles using the lane is not clear from the evidence. Whilst the number of vehicles parked at the site could be controlled via a planning condition, the frequency of traffic movements to and from the site could not reasonably be enforced and therefore a planning condition in this regard would not be appropriate. The steep incline on the hill and uneven surface results in vehicles driving in low gears, where engine noise is greater. I note that Environmental Health does not object to the development, however, assuming eight vehicle movements per day, the development does give rise to additional noise and disturbance and therefore conflicts with the amenity protection aims of Local Plan Policies EMP5 and EMP6 which seek to ensure no detriment to the amenity of the area in terms of noise and disturbance. It would also conflict with the amenity protection aims of paragraph 130 of the Framework.

Other Matters

13. I recognise that the close proximity to the appellants home allows for natural surveillance, management of business activities and reduces commuting and I appreciate the economic benefits arising from creating and retaining local jobs. However, I am not convinced that the appeal site is the only location that could provide these benefits and, in any case, these factors do not outweigh or alter my conclusion on the main issues.

Conclusion

14. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR