
Appeal Decision

Site visit made on 8 August 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/B2355/W/22/3292343

Fairview Barn, Edgeside Lane, Edgeside, Rossendale BB4 9TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr S Morris of Rightcare Property investments against the decision of Rossendale Borough Council.
 - The application Ref 2021/0511, dated 27 August 2021, sought approval of details pursuant to condition No 2 of a planning permission Ref 2020/0396 granted on 10 August 2021.
 - The application was refused by notice dated 7 February 2022.
 - The development proposed is a single storey side extension and extension of the outside amenity space associated with the dwelling.
 - The details for which approval is sought are hard and soft landscaping.
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Decision

1. The appeal is dismissed, and approval of details required by a condition is refused: namely: hard and soft landscaping submitted in pursuance of condition 2 attached to planning permission Ref 2020/0396 dated 10 August 2021.

Background and Main Issue

2. Planning permission was granted on appeal Ref: APP/B2355/W/20/3265542 for single storey side extension and extension of the outside amenity space associated with the dwelling. The Inspector stated that in order to safeguard the rural character of the area and the living conditions of occupiers of the barn, a condition requiring details of soft and hard landscaping was considered necessary.
3. This appeal relates to the submission and agreement of conditions pursuant to the condition imposed. It is not for the appeal to reconsider the planning permission, the wording of the condition or whether the condition is necessary.
4. The main issue is whether the details submitted address the requirements of the condition with particular regard to the effect on the character and appearance of the area and the living conditions of the occupiers of the barn with regard to outdoor amenity space.

Reasons

5. The works to extend Fairview Barn and some of the hard landscaping of the site has commenced. This includes works to the boundary wall treatment where there is no disagreement.

6. The Council considers that the proposal would not provide an attractive amenity area. However, the appellant believes that the proposed planting scheme softens the appearance of the amenity space, especially when viewed from the west, thereby providing a pleasant amenity space, satisfying the aims of the Inspector.
7. Whilst the appellant considers that the application could have been determined by specifying a mix of trees, the requirements of the condition are to provide details of planting including a mix of native species. Instead, a line of silver birch trees within the site are proposed. The position and grouping of these, parallel to the wall, would result in a planting scheme that is not naturalistic in form but would appear artificial and would not blend with the existing landscape features. Additionally, the Council's arboriculturalist considers that the trees would be too close to the retaining wall, and it could result in branches being damaged.
8. Although the building is surrounded by agricultural fields, without planting and appropriate landscaping, the site would not assimilate into the adjoining countryside, particularly from the west. This lack of planting would result in the western side of the site being very open, thereby not providing a sense of enclosure around the site. Instead, there would be a regimented line of planting which would appear incongruous in this context which would harm the rural character of the area.
9. Whilst a line of fruit trees is shown on the proposed plan, these are outside the appeal site and so could not be controlled as part of any approval.
10. As no other planting is proposed, the trees would be growing amongst large areas of concrete and hardcore. Whilst the appellant considers that the area would provide a dry and safe area for children to play and would be hidden from public view, the materials would result in a stark, unwelcoming amenity area. Hardcore would also not provide a suitable surface for children playing. Overall, this would not provide a pleasant outdoor space for the occupiers of Fairview Barn to sit and spend time in, and it would therefore harm the living conditions of the occupiers of the dwelling.
11. I therefore conclude that the details submitted would harm the character and appearance of the area and would not provide appropriate living conditions for the occupiers of the building with regard to outdoor space. It would not comply with Rossendale Local Plan, adopted 2021, Policy ENV1 which seeks high quality development in the area, Policy ENV20 in respect of trees and hedgerows, Policy ENV3 which seeks development in keeping with landscape character, and Policy HS8 requiring adequate private outdoor amenity space.

Other Matters

12. Whilst the appellant has submitted a number of planting schemes following concerns by the Council, it was the final plans submitted on 17 January 2022 which were determined and are the subject of this appeal.
13. The appellant's statement refers to the amenity space being a farmyard. However, there was no consideration or discussion of this in the previous appeal; it was the provision of outside amenity space for occupiers of the barn. Therefore, the appeal has been determined on this basis.

Conclusion

14. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
15. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR