



Appeal Decision

Site visit made on 6 September 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 12th January 2023

Appeal Ref: APP/B2355/W/21/3294298

Land at Wesley Place, Wesley Place, Bacup

- 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 Paul Moore against the decision of Rossendale Borough Council.
 - The application Ref 2022/0022, dated 12 January 2022, was refused by notice dated 3 March 2022.
 - The development proposed is PIP stage 1 for up to two dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for PIP stage 1 for up to two dwellings at Land at Wesley Place, Wesley Place, Bacup in accordance with the terms of application Ref 2022/0022 dated 12 January 2022.

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.

Main Issue

4. The main issue is whether the location, the proposed land use and the amount of development is suitable, with regard to (i) the character and appearance of the area; (ii) highway safety; and (iii) land stability.

Reasons

Character and appearance

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

5. The appeal site comprises a steeply sloping plot of land on Wesley Place flanked by dwellings and marking a visual break in development on the street. The area is residential in nature, with dwellings of varying scale and design. While those along Wesley Place sit directly behind the properties of Rockcliffe Avenue to the south, they are separated from the dwellings on Bankside Lane to the north by a grassed area, which contributes to surrounding openness.
6. Although the design of the proposal would be considered at a later stage I am satisfied that the dimensions of the site are such that it could accommodate two dwellings. Nevertheless, while I note the comments of the Council's Forward Planning Team that the resulting loss of open space would not in itself be unacceptable, the erection of up to two dwellings of any scale and design would introduce built form that would be a noticeable addition in the locality.
7. However, the proposal would be experienced within the wider residential context. Located between dwellings on Wesley Place it would reflect the uses on either side and create a more continuous placement of residential development along the street. Due to the site location, it would be set back from the Bankside Lane dwellings to the north. In this regard the proposed introduction of up to two dwellings would respect the immediate nature and pattern of built form, and would assimilate with surrounding uses.
8. A public footpath is located to the north of the site. It is inevitable that the introduction of the proposed built form would change the views experienced from this location. However, this represents a short section of the footpath that, beyond the site, passes through open areas. In addition, the proposal would be experienced from this location against the backdrop of other residential development so as not to appear as a stark or incongruous feature.
9. While the proposal would somewhat alter the current, open nature of the site, I do not consider it would result in an unacceptable impact on the visual amenity of the surrounding area. In addition, I have no convincing evidence before me to suggest that a detailed scheme for the proposal could not make use of existing and new planting and landscaping to further integrate the appearance of the development within the vicinity.
10. For the reasons given, I have found that the location, the proposed land use and the amount of development is suitable with regard to the character and appearance of the site or area. As such, the proposal would comply with Policies ENV1 and ENV3 of the Rossendale Local Plan 2019 to 2036, which seek to ensure development is in keeping with surrounds and takes account of the character and appearance of the area. It would also comply with paragraph 130 of the National Planning Policy Framework (the Framework), which states development should be sympathetic to local character.

Highway Safety

11. I observed Wesley Place to be a narrow road, with no opportunity for on-street parking within the immediate vicinity of the site. The ability of vehicular users to turn, reverse and manoeuvre vehicles, particularly when turning to or from the site, would be restricted.
12. The traffic associated with the use of up to 2 dwellings would not be likely to be significant and there is nothing substantive before me at this stage or observed on my visit to demonstrate that the use of the lane by such

additional traffic would give rise to highway safety or capacity issues in the vicinity of the site. Nevertheless, I note the concerns of the Council and interested parties regarding the feasibility of introducing a safe and suitable access from the appeal site onto Wesley Lane.

13. However, I observed that other dwellings are present along Wesley Lane which take vehicle access from this road, including one with a sloping landform. It further appears to me that the appeal site is sufficiently large such that a suitable layout incorporating vehicular manoeuvring space for up to two dwellings could be achieved within the site itself.
14. I acknowledge that paragraph 110(b) of the Framework requires development to ensure that a safe and suitable access to the site can be achieved by all users. There is nothing substantive before me at this stage to indicate definitively that a safe and suitable access could not be secured at the appeal site in principle. In any event, issues on the specific nature or details of the site layout and access, including technical drawings, visibility splays, parking provision and sight lines would be considered at the technical details consent stage prior to any planning permission for the proposal being granted.
15. For the reasons given, I have found that the location, the proposed land use and the amount of development is suitable with regard to highway safety. As such, there would be no conflict with the provisions of Chapter 9 of the Framework in this regard.

Land stability

16. I note the concerns of the Council and interested parties regarding the potential effect of the proposal on land stability, given the slope of the site and positioning of surrounding dwellings. However, I have no substantive evidence before me to conclude that the location, the proposed land use and the amount of development is unsuitable with regard to land stability.
17. I note that the appellant has not provided a land stability report. The Framework requires at paragraph 184 that decisions ensure a site is suitable for its proposed use taking account of any risks arising from land instability, and at paragraph 174 that development is prevented from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of land instability.
18. However, the limited information provided is commensurate with the nature of the permission in principle stage, which seeks to determine only whether the location, land use and amount is acceptable in principle. There is no guarantee that if permission in principle is granted that technical details consent will follow and it takes approval of both stages for a planning permission to be granted. As such, although there is limited information regarding the effect of the proposal on land stability, in this case I am satisfied that these details could be dealt with as part of the technical details consent stage.
19. For the reasons given, I have found that the location, the proposed land use and the amount of development is suitable with regard to land stability. As such, the proposal would not conflict with Policy ENV1 of the Rossendale Local Plan 2019 to 2036, which seeks to ensure that land stability is considered and, where appropriate, addressed. There would also be no conflict with the provisions of the Framework in this regard.

Other Matters

20. Interested parties have made reference to other planning applications, and the Council has cited an appeal decision². The Inspector in that appeal afforded weight to harm to the open nature of the area, and refused permission in principle on the basis of effects on highway safety. I have limited information on these proposals, and each case is decided on its own circumstances. Nevertheless, unlike the Inspector in the cited appeal, in the case before me I have found no adverse impact on the character of the area. I further have nothing to indicate that a safe and suitable access could not be secured.
21. I have had regard to the matters raised by interested parties. These include lighting, flood risk, drainage, ecology, construction works, servicing, living conditions and trees. However, in this case these are not matters for the consideration of the permission in principle stage in this case. These issues would also be addressed as part of the technical details consent, the second stage of the process.
22. Planning decisions are concerned with land use in the public interest, the effect of them on the value of private interests such as property value is a matter beyond the general considerations of a planning nature.

Planning Balance

23. The Council accepts it cannot demonstrate that it is meeting the required target in terms of housing delivery. Paragraph 11(d) of the Framework is therefore relevant.
24. In such circumstances, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. 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. The proposal would only result in up to two additional dwellings. Overall, I consider the contribution of the proposal to housing supply should be afforded moderate weight in the planning balance.
26. Given my findings on the scheme, there would be no conflict with Framework policies. In addition, I have not identified any adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The proposal therefore benefits from the presumption in favour of sustainable development.

Conclusion

27. For the reasons set out above, I conclude that the appeal should be allowed.

C Rafferty

INSPECTOR

² APP/B2355/W/20/3247595