



Appeal Decision

Site visit made on 4 January 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/E2340/W/22/3306292

13 Back Lane, Trawden, Lancashire BB8 8PQ

- 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 Ian Southworth against the decision of Pendle Borough Council.
 - The application Ref 22/0151/FUL, dated 5 March 2022, was refused by notice dated 28 June 2022.
 - The development proposed is described as 'erection of single storey side extension and change of use of land from agricultural to domestic'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the appeal form in the interests of brevity.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Trawden Forest Conservation Area.

Reasons

4. The Trawden Conservation Area (the CA) is characterised in part by terraced housing stepping down hillsides in an undulating Pennine landscape with the built form of the settlement interspersed by open green fields. As set out in the Trawden Conservation Area Appraisal¹ the terraces typically comprise of walls of coursed rock-faced stonework with roofs of blue Welsh slate.
5. Due to the elevated nature of much of the CA and the proximity to open fields, the terraces and their blank gables are often visible over long distances. Extensions typically comprise of outriggers to the rear, whilst gable ends are typically blank with little addition or fenestration. With the above in mind, the significance of the CA arises from the variety and prevalence of simple stone terraces, the consistency of materials, proximity of open green fields and the underlying building pattern influenced by the topography of the settlement.
6. The appeal relates to 13 Back Lane, a stone built end terraced property fronting the lane and stepping down the slope, consistent with the character of

¹ An Assessment of the Special Historic and Architectural Interest, Character and Appearance of the Trawden Forest Conservation Area for Pendle Borough Council (2005).

the CA described above. Back Lane narrows at this point and becomes primarily a pedestrian access past the appeal site and down steps towards the lower part of the village. No 13 adjoins a large area of open green space formed by a small group of grassed fields. I saw on the site visit that a long finger of land extending into the field has been enclosed by a post and wire fence. Nevertheless, owing to the open nature of the boundary treatment, the enclosed area appears as part of the larger green space.

7. The green space has a distinctive rural character and contributes significantly to the character of the area here. It is fringed by built development in the distance set within the undulating landscape. Forming part of this green space, the appeal site thus reinforces the significance of the CA and is evident in views looking down the slope from the upper part of Back Lane. It is also highly visible on the approach towards the appeal site via the aforementioned steps.
8. Policy 7 of the Trawden Forest Neighbourhood Plan (the NP) describes this area of open space as being 'an area of townscape character' and that within it *'development will only exceptionally be permitted, where it is demonstrated that the benefits of the development very clearly outweigh the harm to the contribution of this land to the special settlement character of this area'*.
9. The appeal proposal would involve constructing an extension to the side of the dwelling which would project out into part of the field. The extension would be narrower than the dwelling and would be set back significantly from the front elevation. However, such additions are not typical of the aforementioned terraces and, when combined with the massing of the raised patio, would appear as a substantial addition, at odds with the prevailing character of the stone terraces. Moreover, owing to the site's elevated position, the development would be highly prominent and the harm to the character of the area would be visible at a considerable distance.
10. The use of the finger of land as a garden area would result in a significant incursion into the field, to the detriment of the rural character of the green space. Its use as such would likely introduce domestic paraphernalia into this area either within the garden itself or positioned on the prominent raised patio. This would have the effect of urbanising the green space to the detriment of its rural character and that of the CA. No benefits have been put forward that would outweigh this harm and, as it would develop an area of townscape value, it would therefore conflict with Policy 7 of the NP.
11. For the above reasons I conclude that the proposal would represent an incongruous form of development, that would be highly prominent and at odds with the prevailing character. For these reasons the proposal would fail to preserve or enhance the Trawden Forest Conservation Area and would amount to less than substantial harm as set out in paragraph 202 of the National Planning Policy Framework. This would be contrary to Policy ENV1 of the Pendle Local Plan Part One: Core Strategy (2015) which seeks, amongst other things, to conserve the landscape character, and conserve or enhance heritage assets in a manner appropriate to their significance. There would also be conflict with Policy 7 of the Trawden Forest Neighbourhood Plan, described above.
12. Conflict would also occur with the Conservation Area Design and Development Guidance SPD (2008) which seeks to ensure new development considers and respects local character and distinctiveness, as appropriate to each conservation area. Similarly, there would also be conflict with the Design

Principles SPD (2009) which sets out that the retention and protection of historic buildings and materials, vistas, and the impact on open spaces should be taken into account in conservation areas.

13. Section 72(1) of the Act² requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
14. I am not directed to any public benefits that would arise as a result of the proposal, although I accept there would be minor economic benefits arising from its construction. The proposal would allow the use of the garden area by the appellant's grandchildren. However, this is not a public benefit and therefore carries very limited weight. As such, the limited public benefits would not, when taken together, outweigh the harm to the character and appearance of the CA.

Other Matters

15. I have been directed to a number of the Council's previous grants of planning permission, some of which include domestic extensions. However, none of these appear to include a change of use to garden area that would represent a significant incursion into the countryside. The extension at neighbouring 11 Back Lane is not to the side, but to the rear as is characteristic in the area. The extension referred to at the bungalow opposite the site is not an end terraced dwelling, nor is the extension into the adjacent field.
16. A development of new houses is not directly comparable with the appeal proposal for an extension to the side of an existing terraced dwelling, nor is it clear that these also relate to areas of townscape value designated by Policy 7 of the NP. The housing approvals referred to by the appellant therefore do not represent a parallel with the appeal proposal.
17. Furthermore, the alterations to the public house referred to are not comparable to what is proposed as part of this appeal. I am provided with limited information with regard to Stunstead Croft, however, it would appear to be a single dwelling and therefore would not represent a parallel with the appeal proposal. Similarly, what is before me is not a roof extension and therefore the examples I have been provided of this form of development do not provide indication that I should allow the appeal.

I am informed that the barn conversions at Higher Stunstead Farm approved³ by the Council includes gardens extending into the adjacent fields. However, I have not been provided with sufficient details of this and therefore cannot be certain that they extend into open fields to the extent that is proposed as part of the appeal proposal. Moreover, and also having regard to the above examples, I would note that any evidence of existing harm is rarely justification for additional harm.

² Planning (Listed Buildings and Conservation Areas) Act 1990.

³ Ref 19/0680/FUL

Conclusion

18. For the reasons given, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR