



Appeal Decision

Site visit made on 21 February 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2023

Appeal Ref: APP/Z2315/W/22/3308794

Greenside Farm, Burnley Road, Hapton, Burnley BB11 5QT

- 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 E Howard against the decision of Burnley Borough Council.
 - The application Ref FUL/2022/0280, dated 11 May 2022, was refused by notice dated 21 September 2022.
 - The development proposed is the demolition of agricultural barn and associated buildings and their replacement with a dwelling.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The proposal is for a new dwelling within the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. This is reiterated in Policy S7 of the Burnley Local Plan 2018 (BLP). As the proposal does not meet any of the exceptions within paragraph 149, both parties agree that it is inappropriate development. Hence, the main issues in relation to this appeal are;
 - The effect of the proposed development on the openness of the Green Belt;
 - Whether the 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

Openness of the Green Belt

3. Paragraph 137 of the Framework indicates that openness is an essential characteristic of the Green Belt, with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension, as set out in the Planning Practice Guidance¹. It is not narrowly limited to a volumetric approach as directed in the *Turner v Secretary of State for Communities and Local Government* and ANOR 2016 judgement.
4. The appeal site consists of 2 buildings to be demolished. They lie in proximity to an existing dwelling and a garage/workshop of stone facing and natural slate

¹ Paragraph: 001 Reference ID: 64-001-20190722.

roofs. All of the buildings have a roughly north-east/south-west alignment. Although partially overlapping the footprint of the larger of the 2 buildings to be demolished, the proposed dwelling would be positioned further away, and orientated with the front elevation facing directly south, such that the visual relationship to the retained building group would be lessened.

5. The appellant suggests that the volume of the proposed dwelling would be 29.9m³ or 5% less than the existing buildings to be removed, and the gross footprint would be 82% of the barn to be replaced. These figures are not disputed by the Council. Nevertheless, the existing buildings are single storey. In contrast, the proposed dwelling would be 1.5 storey's, having both a higher eaves level and overall ridge height to enable first floor accommodation within the roof space. Notwithstanding the very limited reduction in the overall volume and footprint of the buildings to be removed, visually the proposed dwelling would appear to be of a larger scale and mass.
6. The appeal site is flat and generally open with boundary treatments limited to a post and wire or post and rail fence to 2 sides, and little landscaping. Thus, the increase in built form would be perceptible from the public right of way which follows the access track to the front of the appeal site. It would also be visible from Burnley Road, particularly during winter months when the native boundary hedge is not in leaf.
7. In addition, the proposed garden would extend for the full area of the appeal site which is extensive in size, rather than modest as suggested by the appellant. Whilst paragraph 150 of the Framework identifies that material changes of use of land are not inappropriate development in the Green Belt, proposals must nevertheless preserve its openness and not conflict with the purposes of including land within the Green Belt.
8. The effect of the proposal on the openness of the Green Belt is not confined to permanent physical works but also relates to the purpose or use of land. The urbanising impact on the openness of the Green Belt arising from the use of the garden for domestic purposes including relaxation, entertaining or play would not in my view be limited given the size proposed.
9. There would be no guarantee that future occupants would only use the land close to the dwelling for residential activities. Domestic paraphernalia including garden furniture, washing lines, children's outdoor play equipment, plant pots and domestic outdoor lighting could be sited anywhere within the proposed garden, which at some points would be a considerable distance from the proposed dwelling. These items do not amount to development and consequently, it would be unreasonable and unenforceable to control them by planning condition.
10. The appellant suggests that any adverse impact of the proposal could be offset by planning conditions removing permitted development rights and by applying a landscaping condition. It is not clear from the evidence what permitted development rights should be removed. Nonetheless, such conditions would only restrict future development once the dwelling was built and therefore, it would not mitigate the harm that I have identified that would arise from the proposed dwelling itself and its associated garden area. Significant landscaping would be required to filter views of the appeal site and this in itself, would be harmful to the openness of the Green Belt.

11. The reduction in the volume of buildings on the appeal site would not be significant and would in any case, be offset by the increased scale of the proposed dwelling and the expansive garden area. Together these elements would produce a significant domestic incursion into the Green Belt contrary to one of the 5 purposes of the Green Belt as set out at paragraph 138 of the Framework. It would also have a greater visual impact than the existing situation. The proposal would therefore adversely affect both the visual and spatial dimensions of the Green Belt, leading to a significant loss of openness, rather than enhancement. Therefore, I find conflict with paragraph 137 of the Framework which aims to protect Green Belt land and keep it permanently open or largely undeveloped.

Other Considerations

12. Approval was granted under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the conversion of one of the buildings to be demolished to a dwelling (application reference PAR/201/0701). This permission is extant and the Building Regulations Notice provided, indicates an intent for its implementation. Consequently, there is a realistic prospect that this development will come forward. However, from the evidence before me it would result in a single storey dwelling with a very limited garden area, which would have less of a spatial and visual impact on the openness of the Green Belt. The degree of harm would therefore be less than the proposal before me. Consequently, I attach limited weight to the fallback position.
13. Reference is made to the proposed dwelling being constructed of stone and natural slate that would be in-keeping with the existing adjoining development. It is contended that this would be preferable to the conversion of the existing building that would have a rendered finish and plastic-coated steel roof. Whilst the proposed materials may be more appropriate in isolation, there is no evidence before me that the proposed design would be significantly more compatible with the context of the appeal site, or of a particularly exceptional quality to outweigh the harm identified to the openness of the Green Belt.
14. The existing building is a simple rural building that would remain so, even if the conversion to a dwelling permitted under application reference PAR/201/0701 is implemented. The design and form of the proposal would be clearly domestic and more complicated in appearance, with a number of gabled projections and large expanses of glazing which would draw attention when internal lights are in use. Its greater scale, being taller than either of the 2 buildings to remain on the appeal site, and its differing orientation, would result in a building that would have a significantly greater presence than the unassuming single storey dwelling that would arise from the Class Q GPDO conversion. This would be exacerbated by the extensive garden area, new access and area of hardstanding for car parking. Consequently, any visual improvement from the use of traditional materials would have only limited benefit to the overall appearance of the appeal site.
15. No evidence has been presented to me to demonstrate that the proposed dwelling would be more energy efficient than the dwelling that could be created from the Class Q GPDO conversion (reference PAR/201/0701).

Planning Balance and Conclusion

16. The proposal would amount to inappropriate development within the Green Belt, resulting in a significant loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Paragraph 148 of the Framework advises that very special circumstances will not exist, unless the harm to the Green Belt is clearly outweighed by other considerations.
17. There are no matters individually or cumulatively, that provide anything other than limited weight in favour of the proposal. These other considerations do not outweigh the substantial weight that I must give to the Green Belt harm. Thus, the very special circumstances necessary to justify the development do not exist. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other considerations, the appeal is dismissed.

M Clowes

INSPECTOR