



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: 10 March 2023

Appeal Ref: APP/B2355/W/22/3309293

2 Bent Estate, Beaufort Road, Weir, Bacup OL13 8QY

- 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 Paul Cockroft against the decision of Rossendale Borough Council.
 - The application Ref 2022/0397, dated 23 July 2022, was refused by notice dated 18 October 2022.
 - The development proposed is an agricultural storage building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in relation to this appeal is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. The appeal site comprises an undeveloped, grassed area of land between the dwellings of No 2 Bent Estate and Dalehead. It occupies a relatively isolated and elevated position above the Bent Estate access road, within the open countryside. The appeal site is generally open in nature, albeit there are some occasional mature trees and discontinuous hedgerow planting along the boundary with the adjoining access track to the north-west. It therefore contributes positively to the verdant character of the countryside.
4. The appellant suggests that the appeal site has been used for domestic purposes in connection with the occupation of No 2 as a dwelling. However, there is no evidence that planning permission or a certificate of existing lawful use has been granted in this respect. Irrespective of whether the development is located on domestic or agricultural land or that it does not form part of a protected landscape designation, Policy ENV3 of the Rossendale Local Plan 2021 (RLP) requires development proposals to conserve and, where possible, enhance the natural and built environment, its immediate and wider environment. It goes on to state that new development should be in scale and keeping with its surroundings in terms of siting, design, density, materials, external appearance and landscaping.
5. I am referred to the Lancashire County Council Landscape Character Assessment report 2000 (LCA) which is said to identify the appeal site as within a distinct landscape area referred to as the Rossendale Hills. This identifies the

character of the area as upland plateau with the appearance of open, farmed hillsides contained by a network of gritstone walls.

6. These characteristics are apparent at the appeal site, not least the rolling landscape and scattered buildings including the 2 pairs of semi-detached dwellings located to the north-east and south-west, between which the appeal site forms a green gap. Whilst there is some development between the dwellings of No 2 and Dalehead, it is typically of a very small domestic scale, consistent with the adjacent uses which it serves. The appeal site does not therefore form a developed area of existing buildings.
7. Agricultural buildings can be a common feature that people can expect to see within a rural landscape. The proposed building would be constructed of concrete block, Yorkshire boarding and corrugated metal roofing resulting in a large, utilitarian and squat appearance with a shallow pitched roof as is typical of such buildings. Nevertheless, the scale and form of the proposed building would differ significantly from the existing residential development within the vicinity which consists of 2-storey brick and rendered dwellings and associated outbuildings, under steeply pitched natural slate roofs.
8. Due to its scale and proximity, the proposed building would be a dominant feature, creating an increased sense of enclosure for users of the public footpath (14-1-FP328) which runs adjacent to the south-eastern boundary of the appeal site. Sited reasonably centrally within the appeal site, the proposed building would not appear amongst other buildings, nor well-related to the existing built form, a point acknowledged by the appellant in advising that undeveloped gaps would remain to either side of the proposed building. Such gaps would only emphasise the incursion of the development into the countryside. The proposal would not therefore appear well-related to the existing built form.
9. Views of the appeal site from Burnley Road (A671) are largely limited by existing buildings and landscaping. Even so, the proposed development would visually erode the green gap between No 2 and Dalehead in close range views from footpaths 14-1-FP328 and 14-1-FP320 to the east, as well as medium distance views from the Bent Estate access road and Heald Lane from where the rolling countryside and scattered development is apparent. While the proposal would not break the skyline in such views, it would nonetheless be visually intrusive due to its scale and hillside location, reducing the contribution the parcel of land makes to the typically open and undeveloped appearance of the countryside.
10. The proximity of the proposed building to the footpath (14-1-FP328) would limit the extent to which landscaping could be accommodated to filter public views of the appeal site. The recent hedgerow to the south-eastern boundary is very small such that it would take a considerable time to establish to a level so as to soften the appearance of the proposed building. Even then, and were additional planting to be secured by condition, the hedgerow is unlikely to mitigate the scale of the development and its proximity to the footpath to a satisfactory degree. Likewise, the intermittent tree and hedgerow planting to the north-western boundary would do little to prevent the upward or longer distance views from the Bent Estate access road and Heald Lane, particularly in winter months when nearby trees are not in leaf where the building would be seen detached from the built form of No 2 and Dalehead. The proposal would

not therefore conserve or enhance its immediate or wider environment as required by Policy ENV3 of the RLP.

11. I am referred by the parties to appeal decision APP/Z2315/W/17/3170899 in which the Inspector found that users of public rights of way are sensitive receptors in countryside locations. Whether or not a subsequent scheme for a similar development was later approved by the Council, I have no reason to disagree with the Inspector's findings on this particular point. Nevertheless, I have made my own assessment of the proposal before me based on the circumstances of the appeal site.
12. For the reasons given above, the proposed development would adversely affect the character and appearance of the area. It would be contrary to Policies ENV1 and ENV3 of the RLP. Collectively these policies, amongst other things, expect proposals to take account of the character and appearance of the local area including conserving and where possible enhancing the natural and built environment including key views. Conflict is also found with the National Planning Policy Framework which requires decisions to recognise the intrinsic character and beauty of the countryside.
13. The Council refers to Policy ENV4 of the RLP. However, there is no evidence before me that the appeal site relates to a nationally or locally designated biodiverse, geodiverse or ecologically important site. I have not therefore concluded against this policy.

Other Matters

14. Reference is made to the need for the proposed building to serve the management of the associated land for purposes of haymaking and for sheep grazing including storing hay bales undercover. Whilst this would be of benefit to the appellant, there is no evidence before me, that this is the only size and location of development available for such a development. Furthermore, the scheme has evolved with a view to finding a solution since the dismissal of 2 previous appeals¹ for similar proposals on a different site. However, these matters do not outweigh my concerns regarding the specific proposal before me. An alternative scheme may be able to deliver similar benefits without causing the harm identified.
15. The lack of objections from neighbouring residents and the Highway Authority are neutral in the planning balance, weighing neither for nor against the proposal.

Conclusion

16. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other matters raised, the appeal is dismissed.

M Clowes

INSPECTOR

¹ APP/B2355/W/21/3288405 and APP/B2355/W/21/3288409.