



Appeal Decision

Site visit made on 28 February 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Appeal Ref: APP/A4710/W/22/3305280

Beech House, Castle Lane, Todmorden OL14 8AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Harper against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 20/01299/OUT, dated 28 October 2020, was refused by notice dated 12 May 2022.
 - The development proposed is described as "residential development (all matters reserved save for access)."
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with only access to be considered at this stage. The remaining matters relating to appearance, landscaping, layout, and scale are therefore reserved for later consideration. I have dealt with the appeal on this basis and treated the submitted plans where relevant as indicative with regards those outstanding matters.
3. I have been referred to policies within the emerging Calderdale Local Plan (ECLP). The progress of the Local Plan examination has been confirmed as being at an advanced stage, with the Inspector's Report having been issued in January 2023. As such, although not referred to in the Council's reasons for refusal, in accordance with Paragraph 48 of National Planning Policy Framework (the Framework), these policies carry significant weight.

Main Issues

4. The main issues of the appeal are:
 - Whether the proposal would be in a suitable location for housing having regard to local and national policies; and
 - the effect of the proposed development on highway safety.

Reasons

Whether a suitable location for housing

5. The appeal site relates to a parcel of land adjacent to Beech House, which is in an elevated position close to the edge of the town of Todmorden. Beech House is a large, detached property and is the last visible house on Castle Lane, when viewed from the settlement.

6. The existing site contains a small number of temporary buildings and structures, which appear to be used for storage purposes. Although close to Beech House, the site exhibited a rural sense of character, with livestock grazing in the adjoining field and wide-ranging views of the surrounding countryside from within the site. It did not display any characteristics of a brownfield site, nor does this feel like an urban fringe location.
7. The wider settlement of Todmorden and its more urban form is visible from the site, which is located at the top of a steep bank overlooking the town. Although adjacent to the settlement boundary of Todmorden, the site has a distinctly rural feel.
8. The site is designated in the Replacement Calderdale Unitary Development Plan (RCUDP) within the 'Area Around Todmorden, a Special Landscape Area, and Wildlife Corridor.' The primary purpose of this designation is to prevent the spread of existing settlements by prohibiting certain forms of built development. This designation is also included within the ECLP, and the relevant policy, GB2 follows a very similar approach to the consideration of development in this location.
9. Policy NE8 of the RCUDP states that within the Area Around Todmorden, development will not be permitted except for certain circumstances and development which is appropriate should not detract from the visual amenity of the open countryside. Development supported by Policy NE8 includes the re-use and adaptation of existing buildings, development for the purposes of agriculture or forestry, and sport and recreation uses. Policy GB2 of the ECLP includes these forms of development, but also includes some support for limited infill within villages or on brownfield sites, where such development would not detract from the character of the countryside.
10. The indicative plans show that the proposed development would involve the construction of two pairs of semi-detached dwellings. The proposed development of this land for residential purposes would extend the settlement into the open countryside. This is an area of the Borough which has been specifically identified for its high landscape and environmental value and the development of the site would erode some of this value.
11. The site is on a plateau, which falls away steeply in a southerly direction. It is bordered to the north by a steep escarpment and belt of trees. These features do minimise visibility of the site from certain directions. I acknowledge that some additional landscaping could be introduced to the site; however, this would not be sufficient to outweigh the harm to the openness and character of the area. The site, by virtue of its location within the open countryside, and the surrounding topography, is poorly related to existing development within the settlement. As such, the development of this site would be highly conspicuous in this open, rural setting.
12. I acknowledge that Policy NE8 was adopted prior to the publication of the Framework. However, its overall aim of protecting the countryside, having regard to the characteristics of this area, is consistent with the objective of recognising the intrinsic character and beauty of the countryside, as set out in Paragraph 170 of the Framework. Emerging Local Plan Policy GB2 follows similar principles and due to its advanced stage of preparation, can also be afforded significant weight in so far that it is consistent with the Framework.

13. Paragraph 78 to 80 of the Framework state that planning decisions in rural areas should be responsive to local circumstances, support opportunities to bring forward rural exception sites, locate housing where it will enhance or maintain the vitality of rural communities and avoid the development of isolated homes in the countryside.
14. Although adjacent to the settlement boundary of Todmorden, the proposed development would, by virtue of the change in topography and surrounding rural character be isolated from the settlement.
15. In such circumstances, Paragraph 80 of the Framework seeks to avoid the development of isolated homes in the countryside unless one of a number of circumstances apply. These include homes essential for a rural worker; where development would represent the optimal viable use for a heritage asset; the re-use of redundant or disused buildings; the subdivision of an existing residential building; or the design is of exceptional quality, none of which would apply to the proposed development.
16. Other recent development in the surrounding area is located much closer to the existing settlement and within the settlement boundary of Todmorden. I observed that these locations also exhibited a different sense of character to the appeal site. As a result, I consider these are not directly comparable to the development of this site, so have considered the proposal on its individual merits.
17. Accordingly, I conclude that the proposed development would not be in a suitable location for housing. The isolated nature of the site would cause harm to the special landscape area and detract from the appearance of the countryside. The proposed development would therefore be contrary to saved Policy NE8 of the RCUDP, and emerging Policy GB2 of the ECLP which require, amongst other things, for development not to detract from the visual amenity of the countryside. The proposal is also contrary to Paragraphs 80 and 170 of the Framework which seek to protect the intrinsic beauty of the countryside and avoid the development of isolated new homes.

Highway Safety

18. The proposed development would be accessed from an existing access point on Castle Lane, which extends from Halifax Road (A646) northwards up the hillside. This is a narrow, single-track road, serving a small number of residential properties, including Beech House, Beech Hole Farm and Beech Hole Cottage, where the lane ends. There is a noticeable change in the character of the lane as you approach Beech House.
19. The site is approximately 1.5km to the east of the town centre. Access to the site for pedestrians would also be via Castle Lane which has no footpath or street lighting, particularly close to the appeal site. Walking to the bus stop and the local school and other services which are further afield within the settlement, would not therefore be easy, particularly during hours of darkness. Trips to meet every day needs are therefore more likely to be undertaken via the private car.
20. I observed the access road, and noted that its width, gradient, lack of footway and street lighting would give rise to conflict between vehicular, cycle and pedestrian users of the lane. The provision of an improved passing place,

although welcomed, would not be sufficient to address the conflict between vehicles, cyclists, and pedestrians, arising from the increased traffic which would be using this lane.

21. The current access is located on a sharp corner, with poor visibility, the increase in traffic proposed, although modest, for the reasons given above, would be detrimental to highway safety.
22. I therefore conclude that the proposed development would be detrimental to highway safety, which is contrary to policy BE5 of the RCUDP, emerging CLP Policies IM4, IM5 and BT4 and Paragraph 112 of the Framework, which, amongst other things, seek to ensure the safe and free flow of traffic and provision of safe, convenient pedestrian routes.

Other Matters

23. There is no dispute between the main parties that the Council is unable to demonstrate a five-year supply of deliverable housing land.
24. Accordingly, the Framework states that development plan policies which are most important for determining the application may be considered out-of-date. As a result, Paragraph 11d(ii) states that planning permission should be granted unless 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. Even taking into account the Framework's objective to significantly boosting the supply of housing, in this case, the contribution to housing land supply would be of a limited scale. Consequently, the effect of the development in this isolated location on the intrinsic character and beauty of the landscape and on highway safety would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
26. I have also had regard to the status of the emerging Local Plan and the likely ability of the Council to demonstrate a five-year supply following its adoption. However, this does not alter my findings.
27. My attention has been drawn to a number of appeal decisions where Paragraph 11d has been applied with a favourable outcome. However, I have been provided with limited evidence that there are direct comparisons to the appeal site. I have considered the appeal proposals on their individual merits.
28. I have had regard to the statement provided by the appellant that the development would be modern housing, which would be fully sustainable in an attempt to achieve a zero-carbon footprint. Whilst this approach to sustainable design and energy efficiency is welcomed, in the context of a small-scale residential development, the overall benefits would be limited.
29. I have had regard to the absence of any objections in relation to flood risk and drainage. However, the absence of harm on these specific matters does not outweigh the harms identified above.

Conclusion

30. I therefore conclude that the development would contribute to the supply of land for housing, and this would carry limited weight in favour of the proposals. However, the proposed development would cause harm to the intrinsic

character and beauty of the landscape, contrary to Policy NE8 of the RUDP, emerging CLP Policy GB2 and the Framework. I have also found that the proposal would be detrimental to highway safety, contrary to Policy BE5 of the RCUDP, Policies IM4, IM5 and BT4 of the ECLP and Paragraph 112 of the Framework.

31. Taking all the above into account, on balance, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

K Lancaster

INSPECTOR