



Appeal Decision

Site visit made on 25 April 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/B2355/W/22/3310976

Woodcliffe, Horncliffe, Bury Road, Rawtenstall BB4 6JS

- 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 Henry Shepherd against the decision of Rossendale Borough Council.
 - The application Ref 2022/0305, dated 6 June 2022, was refused by notice dated 10 November 2022.
 - The development proposed is change of use, conversion and extension of outbuilding to 1 dwelling.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Shepherd against Rossendale Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. There is a discrepancy between the site plan (HS-27-02-21-B) and the site location plan (HS.050321.A) with regard to the land edged red and the route of the proposed access. The site plan shows a greater width of vehicular access. For the avoidance of doubt, I have determined the appeal on the basis of the site edged red shown on the location plan as this is referred to in the appellant's written submission.
4. The Council's second reason for refusal relates to the location of the proposal. Following a recent appeal at the site which was dismissed in March 2022¹ (the previous appeal decision), the Council's statement confirms that the second reason for refusal is withdrawn. I have considered the appeal on that basis.
5. Both parties have referred to the previous appeal decision. The appellant submitted the application in order to address concerns of the previous Inspector. Whilst having regard to the previous appeal decision as a material consideration, I have reached my own conclusions on the proposal based on the evidence before me.

¹ APP/B2355/W/21/3283510

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt, including any harm to openness, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policy;
- The effect of the proposal on the character and appearance of the area; and
- Whether any 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

Whether inappropriate development

7. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 150 indicates that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it; these include at subsection d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
8. Although the Council does not explicitly state that the proposal would be inappropriate development in the Green Belt, the effect on the openness of the Green Belt and conflict with Section 13 of the Framework is referenced in the decision notice and in both main party submissions. It also formed a fundamental main issue in the previous appeal decision, which has been relied upon considerably by both parties.
9. There is no dispute between the parties that the proposal would involve the re-use of a building that is of permanent and substantial construction. As such, in order to determine whether the proposal would be inappropriate development I am required to consider the effect on openness. Openness is the absence of development, and it has both spatial and visual aspects.
10. The appeal site is located at the outermost boundary of a substantial garden and sits within an area of different character to the garden areas closely associated with the dwellings along Bury Road. The buildings' rear elevation abuts an agricultural field that descends towards a public right of way and the valley bottom and the low form of the building and open aspect of the appeal site to the field to the north positively contribute to the character of its countryside location.
11. The evidence before me indicates that the proposal differs from that considered by the Inspector in the previous appeal decision. The proposed porch would be a similar size upon which that appeal was considered; however there would be no increase in the height of the existing building. Therefore, the building would be capable of conversion without requiring substantial extensions and would comply with the Council's Conversion and Re-use of Buildings in the Countryside Supplementary Planning Document 2010 (SPD) in this respect.

12. However, although the proposed porch would be modest in size, it would extend the building into an area currently absent of development. Moreover, the likely intensification of the use of the site arising from the conversion of the building to a dwelling, the creation of an extended vehicular access track, parking area and the use of at least some parts of the external space as a garden (with the almost inevitable intrusion of paraphernalia such as garden furniture, washing lines, lighting and the like) would lead to an unavoidable domestication of the site, even if occupied by one person.
13. Although the proposed roof would be sedum and much of the site is bounded by trees, which would provide some visual screening, a change to residential use would be readily apparent in views from the public right of way to the south and west. At the time of my site visit, albeit a snapshot in time, the public right of way was closed to the south and no through route was obtainable. Nevertheless, a right of way remains to the west.
14. Furthermore, because of the position of the appeal site on the hillside, I also observed that the site is clearly visible from the B6527 (Manchester Road) on the opposite side of the valley, from which any activities associated with a residential use would be noticed, particularly during the months when trees would not be in full leaf and during hours of darkness when lighting emanating from the building and associated vehicles would be apparent. The grasscrete or similar surface material and the soft landscaping proposed would not substantially diminish the harmful urbanising effects that would arise from comings and goings to the site and from vehicles being parked on site.
15. For all these reasons, the proposal would have a more intense spatial and visual impact on the openness of the area in comparison to the existing arrangement. Given the relatively small size of the site and the degree to which it is screened, this would have a moderate impact on openness, but it would be harmful nonetheless. I also find that the introduction of a residential use on the site would, in a small way, represent an encroachment into the countryside. This would be contrary to one of the purposes of the Green Belt set out in Paragraph 138 of the Framework.
16. I conclude on this main issue that the proposal would not preserve the openness of the Green Belt or safeguard the countryside from encroachment. Accordingly, the proposal does not fall within the exception described in Paragraph 150(d) of the Framework and would be inappropriate development within the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance.

Character and appearance

17. The proposed alterations to the building differ significantly to those considered in the previous appeal decision. With the exception of the addition of a porch, existing openings would be used and brickwork would be retained. Consequently, the building would retain much of its original form and the replacement of the corrugated sheet flat roof with a sedum roof would enhance the appearance of the building.
18. However, even if the proposed modifications to the building would not harm the character and appearance of the area, as set out above, I find other elements of the scheme would impinge on the wooded and rural character of the area. Although the appeal site is not located in an area subject to any

formal landscape designation, Policy ENV1 of the RLP requires proposals to take account of the character and appearance of the area, including scale and design and surrounding land uses. Notwithstanding the appearance of domestic gardens to the east and proposed landscaping, the extended track, parking area and increased domestication of the site, remote from any other building, would detract from the key surrounding countryside characteristics.

19. The Council have raised a concern that the proposal could result in the loss of trees, and this would affect the character and appearance of the area. Policy ENV10 of the RLP requires proposals to avoid the loss of, and minimise the risk of harm to existing trees, woodland, and/or hedgerows of visual or nature conservation value. I have been provided with a copy of TPO 1954 No.4 which indicates the appeal site falls within G.90, a group containing 6 Sycamore trees, although these are not individually annotated on the plan.
20. I saw at my site visit that a substantial size tree was located close to the north-east corner of the building and several other large trees were located to the east of the proposed access and manoeuvring area. Nevertheless, these trees are sited on higher ground, separated from the appeal site by a stone retaining wall. While the proposed porch would effectively abut the wall, the low height of the proposal and use of Grasscrete or similar would limit the amount of works required in proximity to the trees during construction.
21. There is nothing before me to demonstrate that any trees would require removal and details of tree protection measures and foundation and hardsurface design could be addressed by the imposition of appropriate conditions. The proposal would therefore comply with Policy ENV10 of the RLP.
22. For the reasons set out above, in this case and on the evidence provided and my site visit, I find harm to the character and appearance of the area. Accordingly, the proposal would conflict with Policy ENV1 of the RLP and the SPD which together seek development that is sympathetic to the surrounding area. These requirements are consistent with the aims to protect landscape setting in the Framework.

Other considerations

23. In support of the proposal, the appellant has provided a photographic example of a building with permission for conversion to a one bedroomed dwelling in Lumb Village. This appears to be located adjacent to an area of tarmac. However, there is little information provided as to the detail of that proposal or the circumstances in which that decision was made. I am therefore unable to draw comparisons, or otherwise, to the appeal development. Accordingly, it is a matter to which I attribute limited weight.
24. Even if I were to agree that the location of the site with regards to accessibility to nearby settlements was acceptable and there was no harm with regard to space standards² or highway safety, the absence of harm is neutral and does not weigh in favour of the proposal. There would also be some economic and social benefits from the conversion and occupation of one new dwelling, albeit these would only be a minor contribution and a limited benefit of the scheme.
25. It has been put to me that the Council is unable to demonstrate sufficient houses are being built in the Borough against its 5 year supply. Given only one

² Nationally Described Space Standards 2015

dwelling would be provided and I have found the proposal would be inappropriate development in the Green Belt, Footnote 7 of Paragraph 11.d)i) of the Framework indicates that there is therefore a clear reason for refusing the proposal and the presumption in favour of sustainable development is not engaged.

26. In the decision notice, the Council refers to Policy ENV5 of the RLP. As this policy relates to a green infrastructure network, I do not consider it determinative in my consideration of this appeal.

Green Belt balance

27. I have identified that the scheme would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would lead to a modest loss of openness to the Green Belt and there is further harm with regard to the character and appearance. The other considerations in this case do not clearly outweigh the harm that I have identified.
28. Consequently, the very special circumstances necessary to justify the development do not exist. The development is contrary to Policy ENV1 of the RLP and the provisions of the Framework. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

Conclusion

29. Therefore, for the reasons given I conclude that the appeal is dismissed.

A Veevers

INSPECTOR