
Appeal Decision

Site visit made on 12 June 2023

by S Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/B2355/D/23/3315967

7 Height End Cottages, Kirk Hill Road, Haslingden, Lancashire BB4 8TZ

- 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 Badhan against the decision of Rossendale Borough Council.
 - The application Ref 2022/0499, dated 6 December 2022, was refused by notice dated 2 February 2023.
 - The development proposed is domestic off road parking.
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Decision

1. The appeal is allowed and planning permission is granted for domestic off-road parking at 7 Height End Cottages, Kirk Hill Road, Haslingden, Lancashire BB4 8TZ in accordance with the terms of application ref 2022/0499, dated 6 December 2022 and subject to the following conditions:
2. The development hereby permitted shall begin not later than three years from the date of this decision.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Ref PB.280322 B; Visibility Details and elevations HEC-06-12-22-B; Site Plan and Section HEC-06-12-22-A.
4. The materials to be used in the construction of the external surfaces of the retaining walls hereby permitted shall be natural stone to match those used in the existing walling.
5. Prior to commencement of the development details of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development should be undertaken in accordance with the agreed details and thereafter retained.

Main Issues

6. The main issue in this case is whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including an assessment of the effect of the proposal on the openness and purposes of the Green Belt and, if so, whether there are very special circumstances required to justify the proposal.

Reasons

7. 7 Height End Cottages is an end of terrace dwelling situated in an elevated position significantly above the level of the road behind a sloping garden which is bound by a stone wall. Vehicular access to the property is via a narrow unmade private track off Kirk Hill Road round to the rear of the dwelling. Permission is sought for the formation of a parking area for two cars at road level within the garden, with direct access from Kirk Hill Road.
8. The site lies within the Green Belt. I have not been made aware of any development plan policies relating to development within the Green Belt but as the National Planning Policy Framework (the Framework) makes clear, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belts are their openness and permanence.
9. The construction of new buildings is regarded as inappropriate in the Green Belt. However, Paragraph 150 of the Framework sets out the forms of development that are considered not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Under Section 150 b), an engineering operation is one of those circumstances. There is no dispute between the main parties that what is proposed constitutes engineering works.
10. The Inspector in the previous appeal for the formation of three parking spaces on the site¹ found that the proposal would cause spatial and visual harm to the openness of the Green Belt, albeit to a limited degree. Subsequently, the proposal has been reduced in size and scale by around a third such that the proposed parking area has been reduced to accommodate only two vehicles. Accordingly, the amount of hardsurfacing and the extent of the retaining walls would be more limited.
11. The retaining walls would be constructed in 'lego-brick' concrete and faced in pitch face local natural stone. The new walls would be no higher than the existing and moreover would be seen in the context of the higher ground beyond. When no cars were parked there, the space would be seen as an enclosed void in the banking.
12. There are no parking restrictions outside the site and I understand from what I have read that the occupiers of the property tend to park their vehicles there. I noted there is a pedestrian access from the pavement outside the site and steps up to the front door. On that basis, the proposal would displace cars parked on the road rather than introducing additional vehicles in the vicinity of the site. However, even if that were not the case, the cars parked within the space would not be significantly higher than the retaining walls and would be considerably lower than the higher banking beyond. Space around the parked vehicles, although diminished, would still be apparent.
13. Consequently, whilst the proposal would change the appearance of the site, it would have a neutral effect on openness in both visual and spatial terms. Accordingly, considering the extent of the Green Belt as a whole, the proposal would preserve its openness.

¹ Appeal Ref: APP/B2355/D/22/3300859

14. In visual terms the parking area would clearly be associated with the property and the new walls, being faced with natural stone would reflect the existing boundary treatment. Moreover, given that the site has a domestic use I concur with the previous Inspector that the proposal would not undermine the purposes of the Green Belt, set out at paragraph 138 of the Framework, including the purpose of safeguarding the countryside from encroachment.
15. Accordingly, the proposal does not constitute inappropriate development in the Green Belt and the proposal would be consistent with the policies of the Framework in that respect. As such, it is not necessary for me to consider whether the very special circumstances needed to justify the proposal exist.

Conditions and Conclusion

16. The Council has suggested conditions in the event of the appeal being allowed which I have considered in the light of the Planning Practice Guidance. In order to provide certainty and in the interests of proper planning, it is necessary to impose the standard time condition and specify the approved plans. In order to preserve the character and appearance of the area it is necessary to require that any external walling matches the existing. In order to ensure the site is satisfactorily developed and to prevent water run-off to the road a drainage condition is necessary and appropriate.
17. On that basis, taking into account all I have seen and read, the appeal is allowed subject to conditions.

S. Ashworth

INSPECTOR