



Appeal Decision

Site visit made on 3 July 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2023

Appeal Ref: APP/E2340/W/23/3315598

Roaming Roosters, Barrowford Road, Higham, Lancashire BB12 9ER

- 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 Charles McDermott c/o Trail Architects against the decision of Pendle Borough Council.
- The application Ref 22/0424/FUL, dated 23 June 2022, was refused by notice dated 18 November 2022.
- The development proposed is demolition of existing vacant farm shop and construction of 12 dwellinghouses with associated infrastructure.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the Proposed Site Plan¹ was submitted for the appeal, which removed the field access path shown on the previous plan. As this amendment resulted from the Council's highways advice, and would not prejudice any parties, I have accepted the plan within my determination.

Main Issues

3. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') (2021) and any relevant development plan policies;
 - the effect 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 necessary to justify the proposal.

Reasons

Inappropriate Development in the Green Belt

4. The appeal site is on land defined as Green Belt. It comprises a large building of varying heights surrounded by hardstanding, plus part of a field, and boundary landscaping. The building was a mixed-use commercial enterprise including a farm educational centre, offices, workspaces, café, a farm shop, and associated car parking.

¹ 21022_PL(90)003_C dated October 2022

5. The Framework identifies 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. The relevant exception under its paragraph 149g) is for the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. Policy ENV2 of the Local Plan for Pendle: Core Strategy 2011-2030 (the CS) (2015) also sets out that development in the Green Belt should maintain its openness by way of siting, size, design and appearance. Openness is an essential characteristic of the Green Belt, that has spatial as well as visual aspects, and is a matter of planning judgement.
7. The appeal proposal would replace the current building with 2-storey dwellings, extending onto the areas currently occupied by hardstanding, and arranged in 6 semi-detached pairs across a central street. Spatially, the dwellings would result in built development with an increased volume of approximately 21.5%, compared to the existing building. The 2 middle pairs would be at a similar height as that of the highest part of the existing building, and the built form would occupy more of the site geographically. While the proposed massing would be more dispersed compared to the existing building footprint, altogether I find it would be more prominent, and would result in a loss of openness in spatial terms.
8. Visually, although there is significant existing landscaping which would also be enhanced by the proposal, the site is visible from the adjacent road and particularly from the hillside above, including intermittent views from nearby footpaths. The openness of the Green Belt is clearly evident around the property and the wider area. The area has a rural countryside character of open fields with vegetation boundaries and interspersed dwellings. The existing building has the appearance of a collection of linked agricultural buildings, particularly in medium to longer range views. While at times the site would have had numerous parked cars and activity which would have generated a more commercial character, overall it fits within this landscape as an individual rural enterprise.
9. Even compared to the massing of the existing building, the 12 dwellings would have a visual impact on openness. This impact would also be spread across a wider area of the site. While there would also be an overall increase in greenspace, and cobbled driveways and natural boundary treatments, this would not sufficiently mitigate the visual impact of the built form.
10. In drawing together my findings on spatial and visual impact, I therefore find that the proposal would result in moderate harm to openness, to which, as set out in the Framework, I give substantial weight. For these reasons, the appeal proposal would be inappropriate development in the Green Belt, which is, by definition, harmful. It would therefore conflict with the CS Policy ENV2, and Section 13 of the Framework.

Character and Appearance

11. As outlined above, the site is within an area of open countryside and rural in character despite the commercial nature of the former use. The introduction of 12 dwellings on individual plots would be a visually conspicuous change into a domestic character. Their designs do take cues from the surrounding typologies through roof pitch and varied height, window proportions, and other architectural features and detailing, including prominent gable forms. However, the layout would not achieve a courtyard arrangement suggested as being part of the local rural vernacular, nor replicate those grand farmhouse style properties most proximate to the site. The impression would be of an urban street of dwellings facing each other in rows, and be an urbanising feature.
12. Furthermore, the dwellings include render as a relatively large proportion of the elevations, and used for large expanses, along with some dwellings having small highlights of green wooden cladding. The significant amounts of timber cladding on the existing building, alongside brick and render, was deemed appropriate to suggest an agricultural appearance. This does not indicate a strong precedence for similar for dwellings, despite that they are designed to suggest a series of rural buildings, and even with the proposed enhanced landscaping. I also have not been persuaded that the need for the design to be applicable to modern and sustainable building technologies suitable for modern living, would preclude the use of more traditional materials.
13. The appellant's evidence of local housing typologies and the vernacular style does not identify render or cladding as a key element of the adjacent villages, albeit they include numerous modern dwellings with various finishes. As the design intent was specifically not to replicate the large individually sited dwellings closest to the site, that some of these also display render does not indicate a suitable precedent. While the overall palette is muted in natural tones, and also includes slate roofs and natural stone, the overall effect of the materiality would be inconsistent with the prevailing local character.
14. In conclusion therefore, the proposed development would result in moderate harm to the character and appearance of the area. This would be contrary to the CS Policy ENV2, which seeks to deliver the highest possible standards of design, contribute to the sense of place and make a positive contribution to local identity and character, including using materials appropriate to the setting. It would also conflict with the Framework Section 12 regarding the need to achieve good design.

Other Considerations

15. The reuse of a site which has been vacant for a number of years would be a minor benefit to the scheme, as would the social and economic benefits associated with the construction and occupation of 12 dwellings. The proposal would improve the site's biodiversity, including an increased area of green space. The use of highly insulated timber kit construction would allow the most efficient use of air source heat pump heating. There would be improved site drainage to mitigate waterlogging of the adjacent Barrowford Road and properties beyond, an improved pedestrian route to the nearby villages along with streetlighting, and an improved site junction onto Barrowford Road. I give each of these minor benefits limited weight.

16. The general benefit of using previously developed land as a location for new dwellings is already encompassed within the Framework's recognition of such sites within its Green Belt requirements. It does further provide support to significantly boosting the supply of housing, and to building a strong and prosperous rural economy. However, the site is not in an area identified for new housing, and the Framework's policies in this regard must be read as a whole. While the appellant identifies that the potential for new dwellings has been of interest to local people, I have no detailed evidence before me demonstrating a lack of availability of local dwellings, including in relation to the level of housing allocations to the village of Fence, or that the proposed scheme would address any particular housing need.
17. A party in support refers to a reduction in the volume of traffic compared to the previous use, but I have no detailed evidence on this matter, and the previous traffic generation was not raised as a particular concern by the Council. I give this only very limited weight. While the site boundary of an approved change of use for the building encompasses a wider area than that of the current proposal, I have not been presented with detailed evidence that a smaller site area would be a benefit in comparison.
18. The appellant also suggests a benefit from development contributions to local education and the NHS Trust. I have not seen a S106 agreement to this effect. As an education contribution is requested by the Education Authority only as mitigation for the dwellings' impact, this is therefore not a benefit of the scheme.
19. Pre-application advice is given in good faith, including when a service fee has been paid, but is not binding to the outcome of a full planning application. While the Council's delay in providing a formal response may not be best practice, ultimately the site has no confirmation of a fall-back position for the building's domestic use. While such permitted development rights generally exist, in the absence of any evidence that they would apply to a specific proposal for the building, I only give this limited weight. However, even if I accepted that a reasonable prospect of such a fall-back existed, I have also not been presented with any specific benefits of the appeal scheme over such a fall-back. On the evidence before me, the retention and conversion of the building would have less impact on the openness of the Green Belt, such that it does not weigh in favour of allowing the appeal.
20. That the proposal may comply with other development plan policies does not negate the conflicts identified above. A lack of objections from some statutory consultees does not equate to a lack of harm overall.

Green Belt Balance

21. In summary, due to its effects on openness, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework. It would also cause harm in respect of effects on character and appearance. The Framework requires that substantial weight should be given to any harm to the Green Belt, and that inappropriate development should not be approved except in very special circumstances. It goes on to explain that very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

22. Given the limited weight that I have attributed to the other considerations in this case, they would not individually or cumulatively clearly outweigh the harm to the Green Belt and any other harm. Therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. The proposal would thus conflict with the Green Belt policies in the Framework, and the CS Policy ENV2.

Conclusion

23. For the reasons given above, the proposal would conflict with the development plan and the Framework taken as a whole. With no other material considerations indicating otherwise, I conclude that the appeal is dismissed.

L Hughes

INSPECTOR