



Appeal Decision

Site visit made on 23 May 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2023

Appeal Ref: APP/E2340/W/23/3314819

Dam Head Studio, Blacko Bar Road, Roughlee, Nelson, BB9 6NX

- 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 Mrs Moira Mortimer against the decision of Pendle Borough Council.
 - The application Ref 22/0430/FUL, dated 22 June 2022, was refused by notice dated 9 December 2022.
 - The development proposed is a pair of 1 and 2 bed affordable semi-detached cottages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the planning application process, amended plans to mitigate flood risk were received by the Council which were used by them to determine the application. I have similarly determined the appeal on the basis of these amended plans.

Main Issues

3. The main issues are:
 - Whether the proposal would preserve and enhance the landscape and scenic beauty the Forest of Bowland Area of Outstanding Natural Beauty (AONB), and
 - The effect of the proposal on the significance of Dam Head Farmhouse, a Grade II listed building.

Reasons

Character and appearance

4. The appeal site is currently in use as a garden area to the front of Dam Head Studio, which is set back from the road and accessed via a shared drive from Blacko Bar Road. Both parties agree that it lies outside the settlement boundary for Roughlee. The area has an open character when viewed from Blacko Bar Road with views of the surrounding area and Dam Head Farmhouse.
5. It is located within the Forestry and Reservoir Landscape Character Type in the Forest of Bowland AONB, as defined in the Forest of Bowland Area of Outstanding Natural Beauty Landscape Character Assessment (2009). The village of Roughlee is identified as a small linear village encompassing

traditional gritstone cottages and terraces nestling at the foot of Pendle Hill. Paragraph 176 of the National Planning Policy Framework (the Framework) gives great weight to conserving and enhancing the landscape and scenic beauty of such areas which have the highest status of protection in relation to landscape and scenic beauty.

6. The proposed dwellings would be closer to the road than the existing buildings in the area. Whilst the garden is not a natural landscape, the addition of two dwellings would reduce the open quality of the area, particularly when viewed from the road. I accept that the stone boundary wall would remain, however, the proximity of proposed dwellings close to it would reduce the openness of the views within the AONB. This would be exacerbated by the necessary increase in height of the land to mitigate the flood risk identified by the Environment Agency. Even though they would be of a traditional design this would not overcome the identified harm.
7. I conclude that the proposal would fail to conserve and enhance the landscape and scenic beauty of the Forest of Bowland AONB. The proposal would conflict with Policy ENV1 of the Local Plan for Pendle Core Strategy 2011-2030 (2015) (Local Plan) which amongst other matters seeks to ensure that development makes a positive contribution to the protection, enhancement and conservation of natural environments. It would also not accord with the identified aims of the Framework.

Significance of the listed building

8. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving the building or its setting. In this respect national policy on heritage assets is set out in the Framework. At paragraph 190, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
9. Dam Head Farmhouse is a two-storey 17th Century farmhouse and barn with mullion windows. From my site visit and the evidence before me, the significance of the listed building is derived mostly from its age, character and relationship with the surrounding land.
10. It is acknowledged that buildings and the use of land evolve over time. In this case there has been some building within the setting of the listed building although it remains fundamentally open, particularly when viewed from the road. The juxtaposition of the position of the proposed dwellings on currently open land in relation to Dam Head Farmhouse would diminish the positive contribution the site makes to the setting of the listed building in terms of open views to it across the site.
11. I recognise that previous development has impacted on the setting of the listed building and the way in which it is appreciated. Nonetheless, regardless of whether that development is sympathetic, it does not justify further harm to the setting of the listed building. The appeal site is currently an open area with views of and from the listed building and the proposal would cause harm to the setting of it, notwithstanding other adjacent modern development. Such harm will be less than substantial.

12. The approach in paragraph 202 of the Framework is that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case public benefits have been identified in relation to the construction industry and economic benefits from the creation of two additional households.
13. Given the modest scale of the proposal, these benefits attract limited weight in favour of the scheme. Therefore, they would not outweigh the harm that would be caused to the heritage asset, which should be afforded great weight. Accordingly, the proposal conflicts with the Framework in terms of its aim to sustain and enhance the significance of heritage assets.
14. I conclude that the proposal would harm the significance of Dam Head Farmhouse, a Grade II listed building and would conflict with Policies ENV 1 of the Local Plan which amongst other matters seeks to ensure that any heritage asset (including its setting) is not harmed. It would also conflict with the aims of the Framework.

Other Matters

15. I have had regard to the nearby appeal decisions that have been brought to my attention which I observed on my site visit. The appeal on Blacko Bar Road is set back from the road and watercourse with trees and landscaping in front of it. It does not have the openness associated with the appeal site. The appeal at Ridge Lane adds to the complex of buildings and again is not viewed as part of an open landscape. In any event, I have determined this appeal on the site-specific circumstances of this case.

Conclusion

16. The proposed development conflicts with the development plan as a whole and there are no other considerations that outweigh this conflict. I therefore conclude that the appeal is dismissed.

H Senior

INSPECTOR