



Appeal Decision

Site visit made on 21 November 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 December 2023

Appeal Ref: APP/B2355/W/23/3321266

Higher Walls Cottage, Burnley Road East, Waterfoot, Rossendale BB4 9NE

- 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 Ruth Newsome against the decision of Rossendale Borough Council.
 - The application Ref 2022/0429, dated 19 August 2022, was refused by notice dated 30 January 2023.
 - The development proposed is described as 'Convert barn storage loft to living accommodation. Change of use of barn/stables from private use (condition 3 App 2003/411) to commercial use'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues of this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
3. For the avoidance of doubt, the site address in the banner heading above is taken from the planning application form.

Background and Main Issues

4. This appeal concerns an existing barn/stables (hereafter referred to as the appeal building) with associated equine arena to the south side and a further stable block to the east. The proposed dwelling would result from the conversion of the storage loft of the appeal building.
5. Permission was granted in 2003¹ for the erection of the appeal building. That permission included a condition which restricted its use to private domestic purposes only and not for any business/commercial purposes. Based on the information before me, it seems that the commercial use of the appeal building as a livery stable has been operating for a number of years. Rather than seeking to remove or vary the 2003 condition, this appeal seeks full planning permission for the development as described above.

¹ Council ref: 2003/411

6. The Council has not raised any concerns with the commercial use of the appeal building, therefore this appeal is primarily concerned with the proposed residential conversion element of the development.
7. Accordingly, the main issues are a) whether the appeal site represents a suitable location for a new dwelling, having regard to local and national planning policies, and b) whether satisfactory living conditions would be provided for future occupiers.

Reasons

Site and policy context

8. The appeal site is located outside of defined urban boundaries and thus is within the countryside for planning purposes. As noted, it includes a barn/stable, further stable block and arena. To the rear of the appeal site is a vast extent of meadowland on which sheep are grazed. This land, along with further pasture and moorland further afield, is within the appellant's agricultural holding.
9. Also within the appellant's ownership is a detached dwelling, known as Higher Walls Cottage, located immediately adjacent to the appeal building. The appellant confirms that this property was previously used as a bed and breakfast and more recently as holiday accommodation, let as an entire property. This dwelling does not however form part of the appeal site as it is outside of the red line boundary. I shall return to this matter below.
10. Policy SS of the Rossendale Local Plan 2019 to 2036 (December 2021) (the RLP) sets out the spatial strategy for the borough. It seeks to focus growth and investment first to the most sustainable locations. Leading on from this, Policy SD2 of the RLP states that all new development in the borough will take place within the urban boundaries except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area.
11. An exception to permanent residential accommodation outside of the urban boundary are rural workers dwellings whereby workers of a well-established agricultural, horticultural, forestry or other rural based enterprise are required to live at, or in the immediate vicinity of, their place of work. Support is provided for such accommodation through Policy HS13 of the RLP, subject to criteria.
12. Policy HS12 of the RLP also sets out criteria under which the conversion and re-use of rural buildings in the countryside is permitted. The Council consider this policy not to be of relevance as the existing use of the appeal building would remain. However, this policy is not explicit that the conversion must represent the whole of a building. I consider the adaptation of part of the building for a new use to constitute a conversion and thus this policy is relevant to the main issue.

Whether suitable location for dwelling

13. The proposed dwelling, whilst not in an isolated location, would nevertheless be far from the nearest shops, services and facilities. The route to the nearest amenities would be unattractive due to the distance involved and the lack of

footways and lighting. Future occupiers would therefore be heavily reliant on private vehicle.

14. However, with regards to the need for a dwelling in this countryside location, the appellant suggests they need to live on-site in the interests of the health and welfare of horses, in the interests of the existing agricultural activities and to manage overnight visitor accommodation at the adjacent Higher Walls Cottage.
15. With regards to the existing agricultural activities taking place at the appeal site and on the land to the rear, the evidence suggests that this amounts to the keeping of a flock of sheep. However, no details have been provided with regards to the scale and nature of operations and its management. It seems to me that the land to the rear offers less opportunity for significant operations compared to the further parcel of land within the appellant's holding elsewhere.
16. Based on my observations and the limited information before me, I am not convinced that there are extensive agricultural activities taking place at the appeal site and the associated land to the rear of the appeal building which requires a rural worker to live permanently at or near the site so as to tend to livestock.
17. Additionally, it has not been demonstrated to me what the worst-case scenario would be if the appellant or a worker was not present on site to tend to livestock, or that other measures to meet the needs of livestock have been considered.
18. In terms of other activities proposed at the appeal site, the appellant seeks to diversify their existing enterprise through the commercial keeping of horses. This would be in the form of affordable livery for locals as well as the provision of 'relax and ride' holiday facilities, whereby visitors can bring their horse for a temporary period and avail of livery at the appeal building whilst staying at Higher Walls Cottage.
19. Six stables would be used as livery by locals. This is not a significant number and the evidence before me does not indicate why a 24-hour presence on site by the appellant/a worker is necessary in this respect. The remaining stables would be made available for the horses of tourists. Overall, the scale of the commercial livery would be modest. Moreover, overnight tourists would be within close proximity to their horses when staying at Higher Walls Cottage, thus would be close by and available to respond to any issues.
20. Therefore, similar to the above, the evidence is not convincing that a 24-hour presence on site through the provision of managerial accommodation is required for the equestrian element of the enterprise.
21. I am also not persuaded that such accommodation is required to provide effective management of Higher Walls Cottage as a holiday let, regardless of whether the use of that property as tourist accommodation is permitted or not. The welcoming of guests, cleaning of the facilities and other maintenance which may be required could be done within normal working hours, as could management of customers using the livery.
22. Further to all of the above, Higher Walls Cottage is within the appellant's ownership and could provide necessary accommodation and fulfil a functional need had I found there to be one. Whilst I acknowledge that it may have

been/continue to be used as tourist accommodation, the evidence before me is ambiguous as to its current and lawful use. This is nevertheless not a matter for me within this appeal as it falls outside of the appeal site boundary.

23. However, even had I found that this property was no longer available for use by the appellant, the knock-on effect on the operation of the appellant's agricultural and equestrian enterprise and the health and welfare of animals, resulting from a lack of accommodation on site to manage and supervise the existing activities, has not been clearly demonstrated.
24. Policy HS12 of the RLP nevertheless supports the conversion of rural buildings in the countryside and sets out criteria which must be met for proposals to be permitted. Of particular note is the requirement for the curtilage to be drawn tightly around the building footprint. This would not be the case, as the appeal site is shown to be extensive and includes the arena, adjacent stables and additional areas of land and hardstanding.
25. I appreciate that the proposed development includes the change of use of part of the appeal building to commercial use, which will inevitably require the wider site and equine facilities. However, even had I sought clarification on the extent of residential curtilage proposed, I am not convinced that a tightly drawn curtilage could be achieved which also ensured adequate outdoor space was provided for future occupiers. This is due to the constrained positioning of the appeal building with the steep bank to the rear, the appeal site boundaries and the close relationship and restricted amount of space between the proposed dwelling and the commercial use.
26. Taking all of the above together, the residential element of the proposal would not meet any of the exceptions for a dwelling within the countryside thus it would be contrary to Policies SD1 and SD2 of the RLP as it would be at odds with the spatial strategy of the development plan as a whole. The proposal would also fail to accord with the aims of achieving sustainable development as set out in the Framework.

Living conditions

27. Whilst I note that the proposed plans do not include a dedicated garden area for the proposed dwelling, the appeal site is large and the surrounding land is within the appellant's ownership. Thus, I acknowledge that it may be possible to create dedicated garden space for future occupiers.
28. However, given my concerns above regarding the need for a tight curtilage to be drawn around the appeal building and the limited options to achieve this, I consider it unlikely that adequate outdoor space could be provided in this instance.
29. Furthermore, the proposed dwelling would be within very close proximity to the stables. Future occupiers would have little respite from the commercial element of the appeal building and its associated odours, noise and general disturbances throughout the day and night. No details have been provided which convince me that this would not be the case.
30. As I have found that the proposal would not represent a dwelling for a rural worker, it would not be possible to attach a condition which restricts occupation in this way. Moreover, the link between future occupiers and their involvement

in the proposed commercial operation does not negate the need for the proposed dwelling to provide acceptable living conditions.

31. Accordingly, the proposed development would fail to provide satisfactory living conditions for future occupiers. It would therefore conflict with Policy HS8 of the RLP which, along with paragraph 135 of the Framework, seek to ensure that residential developments are of a high standard of amenity.

Other Matters

32. The proposal would not result in harm to the rural character of the area and there would be very limited, non-harmful alterations to the appeal building. However, these are neutral matters which do not weigh in favour of the proposed development.
33. I note the appellants concerns that they were unaware of the condition on the 2003 permission and the suggestions that the Council failed to inform them. However, these are not matters for me within the context of this appeal, neither is the suggestion that the Council failed to engage with the appellant during the course of the planning application.
34. I have considered issuing a split decision, given the Council's lack of objection to the commercial use of the appeal building. However, the description of development indicates the full scope of the proposal and, as this includes the conversion to living accommodation, along with the submitted plans, it would not be possible as this element is not clearly severable.
35. Whilst Policy LT6 of the RLP concerns farm diversification, this is subject to the requirement that, amongst other things, it does not require new dwellings to support the enterprise.

Planning Balance

36. The evidence before me suggests that the delivery of housing in the borough has been substantially below the housing requirement over the past three years. Paragraph 11 d) ii of the Framework is therefore engaged, which requires me to determine whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
37. The proposed commercial use of the appeal building, in association with the adjacent holiday let accommodation, would attract overnight visitors to the area. This would generate economic benefits through the spending by visitors in local shops and their use of other services and attractions. I note the letters of support in this regard. Whilst the appeal proposal does not include the overnight accommodation at Higher Walls Cottage, I appreciate that it is intrinsically linked to it. Policies LT3 and LT4 of the RLP provides clear support for such tourism and leisure uses.
38. Further, the alteration of the equine facilities for use by tourists and locals is provided support through RLP Policy LT5. I note that the appeal site has good links to an extensive network of bridle ways providing miles of hacking for future users.
39. The Framework, at paragraph 88 (formerly paragraph 84) encourages: the sustainable growth and expansion of all types of business in rural areas; the

- development and diversification of agricultural and other land-based rural businesses; and sustainable rural tourism and leisure developments.
40. The outdoor tourism and leisure provision sought through this proposal would clearly deliver benefits to the local economy. I afford these benefits moderate weight given the scale of the proposed development.
41. Further, the proposed dwelling would result in some economic and social benefits through employment during the construction/conversion works and on subsequent spending in the local area by future occupiers. I do not know the percentage of housing delivery achieved or the numerical extent of the housing shortfall. Regardless, the benefits resulting from one additional dwelling are very limited.
42. Weighing against these benefits is the above identified harms in relation to the introduction of a dwelling in the countryside which conflicts with the spatial strategy of the borough and the poor living conditions which would result for future occupiers.
43. The development plan policies referred to above are broadly consistent with the relevant provisions of the Framework which requires development to have a high standard of amenity and be appropriately sited. The proposal would not meet circumstances or exceptions in the Framework for housing in the countryside. The harm I have identified therefore attracts significant weight.
44. As such, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Thus, the presumption in favour of sustainable development does not apply.

Conclusion

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
46. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, the appeal should be dismissed.

H Ellison

INSPECTOR