



Appeal Decision

Site visit made on 8 August 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2024

Appeal Ref: APP/E2340/W/23/3317147

Field located to the north side of Esp Lane, Barnoldswick, Lancashire

- 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 P Robinson against the decision of Pendle Borough Council.
- The application Ref 22/0808/FUL, dated 29 November 2022, was refused by notice dated 12 January 2023.
- The development proposed is an agricultural building.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December 2023 (and revised on 20 December 2023). In this instance, the relevant changes only relate to paragraph numbering and do not fundamentally affect the substance of the matters under appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the Calf Hall and Gillians Conservation Area.

Reasons

4. The appeal site is located within the Calf Hall and Gillians Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Calf Hall and Gillians Conservation Area Character Appraisal (2005) describes that the significance of the CA is derived from it being largely free of buildings with an open and rural undulating landscape with medium and long-distance views and narrow hedged lanes.
5. The site lies on the brow of a hill, close to Eps Lane and a junction with an access track. It is an open undulating field and there are no other buildings along the part of the Esp Lane near the appeal site. The open character of the area makes a positive contribution to the significance of the CA.
6. I accept that there are viewpoints where there would be limited views of the building and that it would not be a skyline location. However, due to the topography and position on the brow of a hill the proposed building would occupy a prominent position in the landscape. There are no nearby buildings and, due to the height of the proposed building, it would be seen above the

hedgerow on Esp Lane, which when considered alongside the length of the building would appear as a prominent intrusion in the landscape. As the CA in this location is devoid of isolated buildings, the introduction of the proposed building would be an uncharacteristic feature in the area, which would harm the significance of the CA.

7. The materials and proposed landscaping with native trees are appropriate and could be conditioned as part of any approval. However, this does not overcome the harm that I have identified above. The proposed agricultural building would not therefore preserve or enhance the character or appearance of the CA. Consequently, the development would not meet the statutory tests set out in the Act and conflicts with policy ENV1 of the Local Plan for Pendle Core Strategy 2011-2030 (2015) and the aims of the Framework. Amongst other things, these seek to ensure that development preserves or enhances the character or appearance of conservation areas and respects the character of the area.

Planning Balance

8. I find that the harm caused to the CA's significance as a designated heritage asset would be less than substantial. The approach in paragraph 208 of the Framework is that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, that the harm should be weighed against the public benefits of the proposal.
9. The appellant states that the public benefits relate to agriculture and food production, which is supported in the Framework. There would also be economic benefits relating to the construction of the building and benefits arising from the improved biodiversity of the area. I agree these are public benefits. However, they would be limited due to the size and scale of the proposal and therefore attract moderate weight in favour of the proposal.
10. Paragraph 205 of the Framework requires me to attach great weight to the asset's conservation. As such, the public benefits identified are not sufficient to outweigh the harm I have identified.

Conclusion

11. The proposed development fails to meet the expectations of the Act and the Framework in respect of the historic environment, and conflicts with the policies of 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