



Appeal Decision

Site visits made on 8 February 2024 and 28 March 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/E2340/W/23/3328627

Roaming Roosters, Barrowford Road, Lancashire, Higham 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 against the decision of Pendle Borough Council.
 - The application Ref 23/0285/FUL, dated 2 May 2023, was refused by notice dated 6 July 2023.
 - The development proposed is the demolition of existing vacant farm shop and construction 8 dwelling houses with associated infrastructure.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A site visit was originally carried out on 8 February 2024. However, I was unable to access the site. Accordingly, a second visit was undertaken on 28 March 2024, during which I was able to access the appeal site.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. The main parties have provided their comments on the updated Framework, which have been taken into account. I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to provisions of the Framework below, I have done so with numbering from the revised version.

Main Issue

4. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - 2) the effect of the proposal on the character and appearance of the area; and
 - 3) 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

Whether the proposal constitutes inappropriate development

5. The appeal site comprises a sizeable detached building with associated hardstanding to accommodate parking and open area to the west, accessed via Barrowford Road and last in use as a farm shop. It is centrally located within the site, with the middle element of the building being two storeys, with projections to the rear and at either side being lower in height. In addition, the site appears to be currently used for the storage of various materials. The site is located in the Green Belt, and the surrounds are rural in nature, with sporadic built form along both sides of Barrowford Road leading to a more densely packed residential area further east. The proposal seeks to demolish the existing building and erect 8 dwellings and associated infrastructure.
6. Policy ENV2 of the Local Plan for Pendle Core Strategy 2011-2030 (the CS) states that, where applicable, development should maintain the openness of the Green Belt. The Framework states that construction of new buildings in the Green Belt should be regarded as inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is subject to exceptions, including at paragraph 154(g) limited infilling or partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
7. PDL is defined in the Framework as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes land that is or has been occupied by agricultural buildings. The main parties agree that the site is PDL and I have proceeded on this basis. Accordingly, whether the proposal would constitute inappropriate development will depend on whether it would have a greater impact on the openness of the Green Belt than the existing development. The Framework states 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." It is established that openness has both a visual and spatial aspect.
8. I acknowledge that the proposal would reduce the amount of hardstanding at the site. The sizeable parking area would be replaced by a single estate road with visitor parking and driveways set among green spaces such as residential gardens and landscaping. There would also be an overall decreased floor area and footprint. In addition, the number of dwellings proposed has been reduced from previous iterations of the scheme. Nevertheless, while the parties disagree as to the precise figures, in terms of vertical built form at the site, on the evidence before me the proposed dwellings would be of an increased volume when compared with the current building, between some 15 and 17.5%.
9. Further, the dwellings would be a greater height than the tallest part of the current building and spread across a greater area, introducing vertical, two storey built form throughout the site into sections where no such structures exist at present. This would include bringing the dwellings closer to Barrowford Road than the current building where, even acknowledging the intervening gardens, the increased hedgerow proposed and the setback from the road, the overall combined frontage of the dwellings would be wider than that of the current situation. I find that at present the existing building consolidates the built form in one general area, and this increased spread would, rather than increasing the openness of the site, be detrimental to it.

10. As such, the proposal would result in a more notable form of development in the open surrounds. Even acknowledging the gaps between dwellings and the reduction in hardstanding, the increased volume and spread of vertical built form, combined with the two storey nature of all properties, would appear more visually prominent than at present. This would have a greater impact on openness than the current situation. Even with the enhanced landscaping, views of the proposal would be possible from Barrowford Road and the above hillside such that its visual impact on the surrounding openness would be readily experienced within the immediate surrounds.
11. Accordingly, the impact of the proposal on surrounding openness would be notably greater. Overall, it would therefore have a greater impact on the openness of the Green Belt than the existing development, contrary to paragraph 154(g) of the Framework, such that it would not meet this exception. There is no suggestion that it would meet any other exception in the Framework and would therefore represent inappropriate development, which by definition is harmful to the Green Belt. In this respect, it would also fail to comply with Policy ENV2 of the CS.

Character and appearance

12. Policy ENV2 of the CS is clear that proposals should contribute to the sense of place and make a positive contribution to the local identity and character. In this respect the design of the proposal has been informed by surrounding development. The use of local materials such as stonework and slate, with cobbled driveways and natural boundary treatments is reflective of the largely rural nature of the immediate surrounds. In addition, the proposed roof pitch and simple fenestration detailing is comparable to those found at dwellings within the wider area.
13. The Council has argued that the layout of the proposal would be incongruous within the immediate setting, stating that the two rows of detached dwellings either side of the estate road in a regimented manner is a more urban form of development. I note that in the immediate vicinity of the site the development pattern is somewhat sporadic, with clusters of sizeable buildings along Barrowford Road. However, a short distance to the east of the site I observed a more regular arrangement of residential development.
14. Streets such as Pendle Fields and St Anne's Drive are set slightly back from Barrowford Road, and feature a linear placement of modest dwellings either side of the street. Given the proximity of such development to the site, the layout of the proposal would not be a visually jarring or incongruous addition to the locality. Rather, it would be informed by the nature and layout of similar residential estates nearby.
15. For the reasons given, I therefore find that the proposal would not result in significant adverse harm to the character and appearance of the area. As such, it would comply with Policy ENV2 of the CS and the provisions of the Framework insofar as they seek to ensure high quality design that makes a positive contribution to local identity and character.

Other Considerations

16. I note that pre-application discussions were held, that amendments were made to the proposal following the refusal of a previous scheme and that the current application was recommended for approval by officers but overturned by members of the Planning Committee. The previous application and the

Council's administration and determination of the current application are not matters for me to address as part of this appeal, and pre-application advice, which is not binding, carries limited weight in my assessment of the planning merits of the proposal. It is the final decision of the Council that relates to the proposal before me that I must have regard to. Members are not bound by the view of their officers and are entitled to take a different one.

17. I note that the Council did not refuse the application on the grounds of heritage, flood risk or highway safety. This represents a lack of harm, neutral in the planning balance. While I note that no objections were received from Fire and Rescue, Environmental Health, Highways, or United Utilities, this carries limited weight and does not in itself equate to a lack of harm.
18. There are various benefits of the scheme. The proposal would reuse previously developed, brownfield land, with the reestablishment of the previous business seen as unviable, and use by a different enterprise deemed unsuitable. It would also remove the vacant and somewhat derelict nature of the site, providing housing in a rural location, adding to the housing mix and choice in the area. There would be social and economic benefits by contributing to the local economy in providing new customers to surrounding shops and services thus enhancing and maintaining the local facilities. Overall, these benefits attract moderate weight.
19. I note reference to improved highways works to include the widening of the junction and the establishment of a pedestrian link to Fence with lighting. The proposal would also provide enhancements regarding drainage, biodiversity and landscaping, in addition to sustainable benefits from air source heat pumps and insulation. These minor benefits attract limited weight.

Whether Very Special Circumstances Exist

20. The Framework establishes that substantial weight should be given to any harm to the Green Belt. I have found that the proposal would not result in harm to character and appearance. This is a lack of harm which is neutral in the planning balance. When taken cumulatively the other considerations advanced in support of the scheme are not sufficient to clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist and the proposal would fail to comply with the provisions of the Framework.

Conclusion

21. For the reasons given, I conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR