



Appeal Decision

Site visit made on 3 January 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

Appeal Ref: APP/B2355/W/23/3326046

Acre View, Higher Lane, Haslingden, Rossendale, Lancashire BB4 5UD

- 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 Sacha Mazilis against the decision of Rossendale Borough Council.
 - The application Ref 2023/0135, dated 21 March 2023, was refused by notice dated 1 June 2023.
 - The development proposed is demolition of existing building and erection of a new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development proposal listed on the application form is for 'redevelopment of building for residential purposes.' The Council amended this with agreement from the appellant to that shown in the banner heading above. This more accurately reflects the proposed development and is therefore the basis on which I have determined the appeal.

Main Issues

3. The main issues are:
 - whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

4. Policy SD2 of the Rossendale Local Plan 2019 to 2036, adopted 2021, (LP) states that all new development will take place within the urban boundaries, except where development specifically needs to be within a countryside location and enhances the rural character of the area.
5. The appeal site is located outside the settlement of Haslingden and the defined urban area and as such is in the countryside. The National Planning Policy Framework (the Framework) states at paragraph 84 that isolated homes in the countryside should be avoided, unless it satisfies one or more of a number of circumstances. Criterion c) of paragraph 84 refers to the re-use of redundant or

disused buildings which enhance its immediate setting. Whilst the building in question is now redundant, and the appellant considers that the proposed development would improve the rural character of the area and enhance the setting, the building is not being re-used. Instead, the building is to be demolished and replaced by a new house. Therefore, this criterion does not apply in this case and the proposal would not accord with paragraph 84 of the Framework.

6. Although the appellant has said that several dwellings have been established close to the site in recent years, which are further away from local amenities than the appeal case, no evidence has been submitted as to whether these dwellings are comparable to the appeal site. However, I could see when I visited the site that it is not far from other residential properties and the town centre.
7. Reference has been made to the Halo tourist attraction, the Rossendale and Hyndburn Model Aircraft Club which hold regular meetings, and a large livery yard, all of which are accessed by car along Higher Lane. However, these examples relate to activities which would either have been sited because of their countryside location or would have been established over a period. Furthermore, no substantiated evidence has been provided as to whether these are directly comparable to the construction of a new house in the countryside.
8. Although the appeal site is reputed to be accessed by car most days for agricultural purposes, both parties acknowledge that during daylight hours and when the weather is good, the site could be reached by foot from Haslingden. Likewise, whilst cycling to the site is possible, Higher Lane is steep and narrow and is bounded by traditional stone walls for most of its length. Therefore, there is limited room on the lane if other vehicles are also using the road. Furthermore, from the corner of Higher Lane, where it becomes Cribden End Lane, the tarmac ends and the surface of the track that provides access to the site is poor.
9. The nearest bus stop to the site is stated by the Council to be on King Street which would involve walking to and from the appeal site along Higher Lane. I have not been presented with any evidence, however, as to the frequency of a bus service, or the places it serves from this location. Consequently, for the above reasons, the location of the site would discourage those from occupying the dwelling from using public transport, walking, and cycling and instead, would encourage the use of a private car.
10. Therefore, to conclude on this issue, the proposal would not provide a suitable location for housing, having regard to the accessibility of services and facilities. It would not accord with LP Policy SD2 which requires development to take place within urban boundaries, unless specifically needing to be located within a countryside location, and with paragraph 80 of the Framework.

Character and appearance

11. Higher Lane rises steeply from the village below, later turning into a track which provides the access to the appeal site. The lane is bounded by stone walls, adjacent to fields and the occasional building. This provides a rural setting in the approach to the site. The site itself is a roughly triangular area of land which includes a linear, stone and block, single-storey building, located on a flat area of land close to the access point. The red line also includes some

fields which are under grass and a group of trees growing adjacent to the building.

12. The site is therefore elevated and has views of the surrounding fields and countryside, as well as views of other properties and parts of Haslingden. Whilst the existing building is low in height and being located close to the entrance results in it appearing subservient, the proposed dwelling would be sited further into the site and would be two-storey in height. This would make the proposed building more obtrusive in this location.
13. Whilst the dwelling has been designed to be in the style of a converted barn, it would be built of brick or finished in render. This would not reflect the natural building material of the area which is stone. It would, therefore, appear inappropriate in this rural location. Although the appellant contends that the use of these materials is like other new development in the area, with examples shown on submitted photographs, I have no substantive evidence of the circumstances of these cases or whether this is reflective of buildings using these materials more widely within this area.
14. The size and scale of the dwelling, as well as a design that includes extensive windows in a non-traditional style on both elevations, would not be reflective of a rural building. Instead, it would be highly obtrusive and visible on this site and would not be sympathetic to this open countryside location.
15. A garden plan shows that planting would separate the dwelling and its garden from the adjoining fields. Whilst no evidence has been provided as to the species of plants that would be used, an appropriately worded condition could ensure that the landscaping would support local biodiversity and be suitable for this rural site. Furthermore, the Council has concerns that, because of the size of the site, other buildings and extensions could be constructed which would affect the character of the area. Although the site is large, and most of it is located outside the proposed garden boundary, a suitable condition could be used to remove permitted development rights¹ which would require a planning application to consider the effects.
16. However, whilst conditions could be used for these purposes, these would not prevent the harm that would be caused by the proposed development. Therefore, to conclude, the proposal would harm the character and appearance of the area.
17. The proposal would not accord with LP Policies ENV1 and ENV3 which collectively require development to take account of the character and appearance of the local area and to protect and enhance the character and quality of the landscape.

Other Matters

18. Whilst a preliminary risk assessment and proposed investigation² identified potential sources of contamination from ground gas and landfill gas, with some potential soil contamination around the existing buildings, any further investigations could be dealt with by an appropriately worded condition. This is therefore a neutral consideration.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015.

² Worms Eye Ltd, 18 July 2022.

19. An ecological survey report³ identified that there were no roosting bats in the existing building and there would be no major loss of habitat. A suitably worded condition could be used to enhance biodiversity on the site and provide appropriate mitigation. This would provide some weight in favour of the proposal.
20. The proposed development would provide appropriate access and parking and suitable living conditions for the occupiers of the dwelling which is a neutral consideration.

Planning Balance

21. The Council has stated that whilst they can demonstrate a five-year housing land supply, their delivery is below the required level. Paragraph 11 d)ii of the Framework therefore applies. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. The proposed development would provide one new dwelling and there would be some short-term economic benefits to the local economy during the construction process. However, the creation of one new house is a small benefit and so carries only limited weight.
23. Set against this is that the Framework advises that development should be sympathetic to local character and should enhance the natural and local environment. Despite the Council's housing delivery position, and the Framework's objective to increase the supply of housing, the construction of a house outside the urban boundary which does not respect the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

24. The proposal would conflict with the development plan when taken as a whole and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm and associated development plan conflict.
25. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

M J Francis

INSPECTOR

³ Ecological appraisal, FCPR Environment and Design Ltd, March 2023.