



Appeal Decision

Site visit made on 29 May 2024

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2024

Appeal Ref: APP/E2340/W/23/3330350

Land at Green Meadow, Trawden, BB8 8PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Foster Building Contractors Ltd against the decision of Pendle Borough Council.
 - The application Ref 23/0043/FUL dated 20 January 2023 was refused by notice dated 4 April 2023.
 - The development proposed is the erection of 5 detached houses and associated works (Revision of 19/0750/FUL).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are:
 - Whether the proposal preserves or enhances the character or appearance of the Trawden Forest Conservation Area, and
 - Whether the proposal makes appropriate provision for affordable housing.

Reasons

Trawden Forest Conservation Area

4. The appeal site forms a triangular piece of land located to the south of Green Meadow, a cul de sac of bungalows. It is within the settlement boundary of Trawden and also in the Trawden Forest Conservation Area (TFCA).
5. The principle of residential development has been established by a previous extant planning permission allowed on appeal (13/15/0361P). The site has a lengthy planning history with several different schemes having been granted on the site or part thereof. This current appeal is a revision of application ref 19/0750/FUL which proposed 5 houses in the form of two semi-detached and one detached dwelling.
6. The TFCA covers an extensive geographical area, incorporating a significant area of open pasture land together with moorland on the lower slopes of

Bouldsworth Hill around the settlements of Trawden, Winewall and Wycoller. The boundary of the CA takes account of the historic boundaries of the Royal Forest.

7. Much of Trawden village is characterised by Victorian stone built terraced housing associated with the former textile industry in the Borough. The 19th century development has occurred in a linear fashion, following Trawden Brook Valley and Skipton Road. There is, however, some later 20th Century infill housing development.
8. The CA's significance derives from its historic interest, firstly as a Royal Forest, then from the wealth accrued through farming and the textile industry. It also derives from the architectural interest of the form of development, with tightly knit dwellings and other community buildings following the line of the road constructed of stone and slate with timber framed windows.
9. In the vicinity of the appeal site, the wider residential area comprises two storey stone built traditional terraced houses of a simple design following the layout of the road. Green Meadow, which provides access to the appeal site, consists of modern bungalows with attached garages. Immediately to the west of the appeal site are a pair of simply designed semi-detached stone properties recently constructed under planning permission granted in 2013 for the erection of 3 pairs of semi-detached dwellings. This permission remains extant¹.
10. The appeal scheme proposes five detached four-bedroom two storey dwellings. The properties would have a front two storey gable with a roof canopy above an integral garage and the main entrance door to the property. Whilst proposed to be constructed in traditional materials, namely stone and a blue slate roof, the design has elements not in keeping with the simpler cottages typical of the village and the CA.
11. All five dwellings are the same design, albeit some are handed, which results in a homogenous development lacking in individual character and visual interest. This does not reflect the variety in the streetscene of the CA. To an extent the appeal proposal reflects the design of the more modern bungalows on Green Meadow. I understand that these dwellings were constructed before the designation of the CA. However, these properties do not reflect the existing vernacular well and provide no justification for a further scheme out of keeping with the distinctive character of the area.
12. The appellant has brought my attention to the design of dwellings in the previously approved schemes on the site, arguing that the appeal scheme reflects these in terms of design. The proposals for the 2013, 2015 and 2019² schemes have much simpler front elevations with a small pitched roof porch detail on the front elevation and an attached single storey garage. These designs are more in keeping with the distinctive character of the CA. They do not in my view provide support for the appeal scheme.
13. The Council Officers recommended that planning permission be granted as they considered the design of the scheme to be acceptable. However, the Committee took a different view. The appellant points out that the Officers report to Committee states that the proposed houses are of an acceptable

¹ Planning permission ref 13/13/0427P

² Planning permissions ref 13/13/0427P, 13/15/0361, 19/0750/FUL

design similar to existing dwellings and other new residential development in Trawden. No specific schemes have been brought to my attention in order for me to take these into account.

14. Overall, I consider that the appeal scheme would cause harm to the character and appearance of the TFCA. Having regard to the location and scale of the proposal, I consider this harm to be less than substantial.
15. There is a presumption against development that would have a harmful impact upon a Conservation Area through S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Framework also explains that great weight should be given to the conservation of designated heritage assets. Paragraph 206 states that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 208 goes on to require decision makers to weigh any less than substantial harm to such an asset against the public benefits of the proposal.
16. In this case, the provision of housing would contribute to the supply in the Borough and would bring a currently vacant and overgrown site back into an efficient use. Due to the scale of the proposed development, I attribute moderate weight to these benefits. Given the great weight I must give to the conservation of the heritage asset, I am unable to conclude that these moderate public benefits would outweigh the harm to the CA.
17. Accordingly, the proposal would conflict with the objectives of the Framework to conserve and enhance the historic environment and fail to comply with Policies ENV1, ENV2 and LIV5 of the Pendle Local Plan Part One: Core Strategy and Policies 3 and 8 of the Trawden Forest Neighbourhood Plan. These policies seek to respect and enhance the historic environment, achieve quality in design and conservation and design better places to live.

Affordable Housing

18. Policy LIV4 of the Core Strategy requires that development of five dwellings or above in Rural Pendle provides 20% affordable housing. This policy position is repeated in Policy 3 of the Trawden Forest Neighbourhood Plan (2018).
19. The appellant submits that it is unreasonable to require the provision of affordable housing on this site because no provision was required in the consideration of the previous approved scheme in 2019, ref 19/0750/FUL. The Committee report for this proposal states that as the site has an extant permission for 6 dwellings without an affordable housing contribution, and that the proposal would result in an increase in one dwelling over the extant permission, it would be unreasonable to require an affordable dwelling on the site.
20. The 2019 application was a resubmission of an identical 2015 application allowed on appeal (Ref 13/15/0361P). The Council advises that whilst an application to discharge conditions had been made, due to difficulties in agreeing a scheme of drainage, the 2015 permission expired, necessitating the need for a resubmission in 2019. In these particular circumstances, the Council considered it inappropriate to require an affordable housing contribution in the resubmitted scheme. I note that at the time that the 2019 application was approved, the development plan policy position was the same as it is now.

21. I acknowledge that the appeal scheme forms a different application, with a revised layout and elevations, however, it is still for the same number of dwellings as the 2019 scheme. On balance, having considered the planning history of this case, together with the extant permission, I do not consider it to be reasonable to require affordable housing provision.

Conclusion

22. Whilst I have found that the scheme would not need to make provision for affordable housing, I have concluded that it would fail to preserve or enhance the character or appearance of the TFCA.
23. For the reasons given above, and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR