



Appeal Decision

Site visit made on 11 June 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/B2355/W/23/3332962

Moorfield, Tor Side, Rossendale BB4 4AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr R Hickson against the decision of Rossendale Borough Council.
 - The application Ref is 2023/0449.
 - The development proposed is Permission in Principle (Stage 1) for between 1 and 3 dwellings.
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Decision

1. The appeal is allowed, and planning permission is granted for Permission in Principle (Stage 1) for between 1 and 3 dwellings at Moorfield, Tor Side, Rossendale, BB4 4AJ in accordance with the terms of the application, Ref 2023/0449.

Preliminary Matters

2. There are minor variations in the address of the proposal as it appears on the application form, appeal form and decision notice. I have therefore used the address as it appears on the appeal form which correlates with that on the Royal Mail Post Code Finder.
3. Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. This consent route has 2 stages. The first stage (or permission in principle stage) establishes whether a site is suitable in principle. The second stage (technical details consent) (TDC) is when the detailed development proposals are assessed. This appeal relates to the first stage.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development¹. All other matters are considered as part of a subsequent TDC if permission in principle is granted. I have therefore determined the appeal accordingly.
5. After the application was determined, the National Planning Policy Framework (the Framework) was revised. The main parties have had the opportunity to make comment on any implications of the revised Framework within the appeal timetable.

¹ Paragraph: 012 Reference ID: 58-012-20180615 - Revision date: 15 06 2018

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

7. RLP Policy SD2 sets out that all new development will take place within the Urban Boundaries of the borough, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area.
8. The appeal site is located outside of the Urban Boundary (UB) and is within the open countryside. The application and appeal submissions do not address a specific need for the development to be located within a countryside location. Consequently, the proposal conflicts with Policy SD2.
9. The appeal site appears as open land even though it is accessed via a gate serving a private drive which leads towards a large, detached property within extensive grounds. However, it is very close to the boundary of the UB, with residential properties to the north, which appear as part of the small settlement along the valley floor, and close to a few properties to the immediate west across the road, after which built form becomes much more sparsely located as the land rises along the valley slope.
10. Consequently, the proposal would not result in a conflicting land use within its immediate context, nor would it result in any isolated properties in the countryside, even if only one dwelling were to be delivered.
11. As the immediate area has no facilities and services, future occupiers of the proposed development would therefore need to travel to nearby settlements to access their day-to-day needs and to access employment opportunities, which would result in a reliance on private vehicles.
12. The Council's Delegated Report indicates the nearest shop is about 0.8km away. However, the nearest school and supermarket would be 1.47km and 2.7km away respectively. The nearest bus stop is at the junction of Alden Road/Helmshore Road, within a reasonably short walk of about 8 minutes, with daily services except for Sundays.
13. From the comments of the local highway authority and my own observations, sections of Alden Road and Tor Side are single vehicle width with few passing places for opposing vehicles and sufficient width for pedestrians, cyclists and other road users to pass and is without pavement save for a small length near Helmshore Road and is unlit. Therefore, this route is not an inviting one. However, there is an alternative bus stop at Helmshore Road near the junction of Sunny Bank Road farther to the north, where the route includes pavement and street lighting.
14. The proposal would not generate significant movements, and measures to support the uptake of more sustainable forms of travel could be secured at the TDC stage, including, but not limited to electric vehicle charging points and cycle storage facilities.

15. Having regard to paragraph 109 of the Framework, which makes clear that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the situation is such that in this area, there are reasonable alternatives to the use of private vehicles, including public transport.
16. For these reasons, the proposed development would be in a reasonably accessible location and would therefore accord with the objectives of the Framework to promote sustainable transport.
17. The appeal site comprises mainly grassland with mature trees towards some of its boundaries. The proposal would inevitably change the character and appearance of the appeal site from an undeveloped one to a developed one. Given the topography of the appeal site and the surrounding area, which slopes towards the valley floor, some degree of engineering works may be necessary.
18. The proposal would therefore urbanise the site, thus failing to safeguard the countryside from development. These effects would be visible from the adjacent road and within the wider landscape.
19. The Council draws my attention to RLP Policy ENV3, which seeks to protect and enhance the distinctive landscape character of Rossendale, characterised as large-scale sweeping moorlands, pastures enclosed by dry stone walls, and stonebuilt settlements contained in narrow valleys. I note that the explanatory text refers to the recommendations of a study that development should not take place within enclosed upland or moorland fringe landscape character types.
20. While the proposal would clearly introduce built form and encroach into the countryside, the appeal site is close to the UB with nearby residential properties to the north and west, with a defensible boundary towards the south to contain the extent of development. In the absence of any compelling evidence to demonstrate otherwise, I find no reason to consider that the proposed development of between 1 and 3 dwellings would not conform to the linear pattern of development along the valley floor and its lower slopes.
21. Furthermore, the siting, design, density, materials, external appearance and landscaping, as set out in Policy ENV3 would be addressed at TDC stage, as the Council acknowledges. Consequently, and in the context of 'permission in principle', I find no conflict with Policy ENV3, which supports development proposals which are in scale and keeping with the landscape character.
22. Drawing together all of the above, I therefore conclude that the proposal would not accord with RLP Policy SD2. However, I have also found that the proposed development would be very close to the boundary of the UB, and in a reasonably accessible location in accordance with the Framework. I therefore apportion moderate negative weight to the conflict with RLP Policy SD2 in the planning balance.

Other Matters

23. Interested parties raise concerns and object to the proposal. While I have had regard to these comments, permission in principle is not a planning permission in itself; and my considerations are limited to specific matters. Many of these concerns were also raised during the determination phase and are addressed within the Council's Delegated Report. As such, matters such as the effect of

the development upon ecology, biodiversity, wildlife, trees (including those by any Tree Preservation Order near the north-west boundary of the appeal site), privacy, access arrangements, arrangements for drainage/sewage are for consideration at the TDC stage.

24. For the avoidance of doubt, there is no substantive evidence before me to demonstrate that the appeal site is within any protected habitat site, nor that the proposed development would affect any protected habitat site or species, nor that the proposal would result in any significant adverse effect upon highway safety.
25. Interested parties draw my attention to flooding events at Alden Brook, and concerns that the Environment Agency (EA) should be consulted on the proposal. However, the evidence before me indicates that the site is within the least susceptible flood risk zone (Zone 1), and there is no substantive evidence before me to demonstrate that a consultation with the EA is required, nor that a site-specific flood risk assessment is required.
26. I have considered the views of interested parties that the development would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify the withholding of permission in principle in this case.
27. Further concerns are raised regarding the impact of the development upon private roads maintained by local residents and boundary walling which is stated to be in poor condition. However, these are private matters, and do not affect my consideration of the planning merits of the proposal. The potential effects of construction activity can be addressed at TDC stage. Matters of concern relating to Riparian rights and the culvert under the private road are also private matters, and do not affect my consideration of the planning merits of the proposal.
28. The evidence before me refers to two appeal decisions. The decision for Windybridge (Appeal Ref: APP/B2355/W/19/3244004) is not entirely comparable as the appeal site in that scheme appeared as an infill site, with the character and appearance of a domestic garden. Nonetheless, it demonstrates an Inspector's view of a reasonable walking distance, and in this regard, my decision is consistent with it.
29. The decision for Gib Hill Stables (Appeal Ref: APP/B2355/W/16/3149055) demonstrates the circumstances within which the presumption in favour of sustainable development is engaged, with reference to the housing land supply position, development plan policies and version of the Framework prevailing at that time. As such it is not entirely comparable.

Conditions

30. PPG indicates that it is not possible to impose conditions as the terms of any permission in principle must only include site location, type of development and amount². Therefore, no conditions can be imposed.

² Paragraph: 020 Reference ID: 58-020-20180615 - Revision date: 15 06 2018

Planning Balance and Conclusion

31. The main parties agree that the Council is able to demonstrate a five-year supply of deliverable housing sites, but by virtue of the latest Housing Delivery Test, paragraph 11 d ii) of the Framework is engaged. The fact that the Council has an improved performance in terms of housing completions in recent years does not alter this position. There are no areas or assets of particular importance that provide a clear reason to refuse the proposed development.
32. In these circumstances, the Framework sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
33. The policy with which the proposal conflicts is consistent with the objectives of the Framework to achieve patterns of sustainable development. However, I have attached moderate negative weight to this policy conflict, due to the fact that the appeal site is within a reasonably accessible location and close to the boundary of the UB.
34. The proposal would provide between 1 and 3 dwellings on a small site, which could be built out relatively quickly. It would contribute to the government's objective of significantly boosting the supply of homes. This would be a positive benefit of the proposal, to which I attach significant positive weight. Further temporary economic benefits would arise during the construction process, and from additional household expenditure into the economy, even if it were to be of a limited scale. These benefits attract limited positive weight.
35. Drawing all of the above together, and for the reasons given, I find that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.
36. The proposal therefore benefits from the presumption in favour of sustainable development. Consequently, the appeal should be allowed and permission in principle should be granted.

J Moore

INSPECTOR