



Appeal Decision

Site visit made on 20 August 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2024

Appeal Ref: APP/E2340/W/23/3334420

Parson Lee Farm, Wycoller Road, Trawden, Lancashire, BB8 8SU

- 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 Jason Chipchase against the decision of Pendle Borough Council.
 - The application Ref is 23/0323/FUL.
 - The development proposed is 4 visitor accommodation pods and associated facilities, parking and landscape.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The officer report refers to there being some impact to the conservation area but that this would be mitigated by landscaping. Therefore, this did not form a reason for refusal, as the Council found no harm. The appeal site is wholly within the Trawden Forest Conservation Area. Accordingly, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) applies to the appeal. Hence, given my statutory duties it is necessary for me to undertake my own consideration of any effects to the character and appearance of the Trawden Forest Conservation Area.
3. Where relevant, the consideration of the effects to the Trawden Forest Conservation Area therefore form a further main issue for the appeal.
4. The appellant has submitted amended plans with their appeal. These plans show a different design of accommodation pod. The 'Procedural Guide – Planning Appeals – England' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application (Annexe M.1.1). If an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).
5. I have considered the revised drawing under the principles established by the Courts in *Holborn Studios Ltd v The Council of the London Borough of Hackney*¹. Interested parties would not be aware of the amended scheme and, for that reason, I consider that they would be prejudiced if I determined this appeal on the basis of those plans. Accordingly, I have determined this appeal on the basis of the plans originally submitted with the planning application, on which the Council made its decision.

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

6. A previous permission² granted consent for accommodation pods at the site, although this has now lapsed and I have determined this appeal on its own merits.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area including the Trawden Forest Conservation Area and nearby non-designated heritage assets.

Reasons

8. The appeal site lies within open countryside adjacent to Parson Lee Farm. The farmhouse and barn are categorised as non-designated heritage assets (NDHA) and is also within the Trawden Forest Conservation Area (CA).
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA is partly derived from historic boundaries of the Royal Forest and the locally sourced materials for the building and boundary treatments.
10. Parson Lee Farmhouse and barn are large stone built buildings surrounded by dry stone walls and have been identified as an example of a Copyhold Farm in the Assessment of Special Historic and Architectural Interest, Character and Appearance of the Trawden Forest Conservation Area (2005). Their significance, as NDHAs is derived in part from the historic materials and features and their isolated position in the landscape.
11. The proposed site is a gently sloping field accessed through Parson Lee Farm, with a separate area allocated for parking. The proposal would include four accommodation pods on decked bases in a dispersed pattern throughout the field with additional tree planting and other landscaping. It would also include an area designated for car parking and a bin store.
12. The accommodation pods would be single storey with an integral bathroom and constructed from timber boarding and timber shingles to the roof. They would be approximately 8.4 metres by 2.8 metres with a height of 3.5 metres. The design of the accommodation pods differs from the previous proposal with the addition of pitched roofs, gables and additional windows. Although they would be limited size they would be located close to, and within the setting of the farmhouse and barn which have been identified as NDHAs.
13. Due to the topography they would be visible from several viewpoints nearby, including the public footpaths that cut across the higher land. Whilst the accommodation pods would form only a small part of an expansive view which includes a number of other buildings and trees within it, their design and materials would mean that they would be incongruous in those views. In addition, although the proposed landscaping, once mature, would assist in assimilating them into the landscape this would take several years and in the intervening time the proposal would be highly visible in the landscape. Moreover, it would be unlikely to completely screen the pods from those more elevated vantage points. I have had regard to the photographs submitted by

² 17/0444/FUL

- both the appellants and interested parties and note the disagreements regarding the taking of them. I have however, been to the site and formed my own view of the proposal on the landscape. In addition, the pods would appear visually jarring in the context of the traditional farmhouse and barn and in doing so harm their isolated setting and historical significance of the NDHAs.
14. Accordingly, the proposal would be harmful to the character and appearance of the area. It would neither preserve or enhance the character or appearance of the CA and would result in harm to its significance as a designated heritage asset. I have also found that the proposal would harm the setting of the NDHA.
 15. Given that the impact of the proposal relates to only part of the Conservation Area, the harm arising in terms of the approach in the National Planning Policy Framework (the Framework), would be less than substantial. In these circumstances the Framework advises at paragraph 208 that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
 16. The proposal help support the local economy though guest spending, employment opportunities, use of services and purchase of local products. However, given the scale of the proposal, I am satisfied that these benefits should be given modest weight.
 17. I give the harm I have identified considerable importance and weight in accordance with paragraph 205 of the Framework, which establishes that great weight should be given to the conservation of a heritage asset. In this context I find that the public benefits of the proposal are not sufficient to outweigh the degree of harm identified.
 18. I conclude that the proposal would conflict with the PLBCAA and harm the character and appearance of the area including the Trawden Forest Conservation Area and nearby NDHAs. It would conflict with Policies ENV1 and ENV2 of the Local Plan for Pendle Core Strategy 2015 which together amongst other matters seek to ensure that development makes a positive contribution to natural environments and is of a high standard of design. It would also conflict with paragraph 134 the National Planning Policy Framework.
 19. The Pendle Design Principles Supplementary Planning Document provides guidance for householder developments and domestic extensions. It does not appear to be relevant to the proposal before me.

Other Matters

20. I acknowledge the appellants aims of improving the farms infrastructure, appearance and farming practices and that the accommodation pods would complement the existing tourist facilities in the area. These factors are neutral in my consideration of the appeal.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Senior INSPECTOR