



# Appeal Decision

Site visit made on 21 October 2024

**by S R G Baird BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25<sup>th</sup> October 2024**

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**Appeal Ref: APP/B2355/W/24/3346082**

**Adjacent 93 Burnley Road, Bacup, Lancashire, OL13 8PZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
  - The appeal is made by Ms K Thompson against the decision of Rossendale Borough Council.
  - The application Ref is 2024/0154 dated 16 April 2024.
  - The development proposed is permission in principle for between 1 and 8 dwellings.
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## Decision

1. The appeal is allowed, and Permission in Principle is granted for residential development comprising a minimum of 1 and a maximum of 8 dwellings on land adjacent to 93 Burnley Road, Bacup, Lancashire OL13 8PZ in accordance with the terms of the application, Ref 2024/0154, dated 16 April 2024.

## Preliminary Matters

2. Planning Practice Guidance (PPG) advises that Permission in Principle (PiP) is an alternative way of obtaining planning permission for housing-led development. The PiP consent route has 2 stages. The first stage (PiP) establishes whether a site is suitable in-principle. The second stage, Technical Details Consent, is when the detailed development proposal is assessed. This appeal relates to the first of these 2 stages. The scope of the considerations for a PiP is limited to location, land use and the amount of development permitted. If PiP is granted, all other matters are considered as part of a subsequent Technical Details Consent application.
3. The application was accompanied by an illustrative site layout plan showing the positioning of and access to 4 pairs of 2-storey semi-detached houses. I have dealt with this plan as indicative only.

## Main Issue

4. Whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

## Reasons

5. The site is located immediately outside the urban boundary of Weir and for planning policy purposes is located in the countryside. Local Plan (LP)<sup>1</sup> Policy SD2 says that development outside the urban boundary will only be allowed where a countryside location is required, and it would enhance the rural character of the area. LP Policy ENV1 seeks to ensure high quality development. LP Policy ENV3 describes the landscape character of Rossendale

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<sup>1</sup> Rossendale Local Plan 2019 to 2036

as including large scale sweeping moorlands, pastures enclosed by dry stone walls and stone built settlements.

6. The site is at a lower level than Burnley Road and is currently used as a manège with several associated single storey buildings. To the west, the open rising land on the opposite side of Burnley Road is allocated for housing in the LP. To the east of the site the landscape is consistent with the description of the landscape character of Rossendale in Policy ENV3. Here, the land drops to a narrow valley bottom before rising as pasture enclosed by stone walls. As the riding centre is at a lower level than Burnley Road it does not interrupt or materially influence views of this distinctive landscape.
7. Albeit the development would be at a lower level it would introduce built development into the open countryside resulting in an urban character reducing openness and interrupting views. Careful design choice of materials would ensure that the proposal would accord with LP Policy ENV1. However, overall, the development would have a moderate adverse effect on landscape character and as such would conflict with LP Policies SD2 and ENV3.
8. The Council acknowledges that it cannot show a 5-year supply of available housing land and acknowledges that the provisions of paragraph 11(d)(ii) of the National Planning Policy Framework (Framework) are engaged. The absence of a 5-year supply of housing land is compounded by a worsening rate housing delivery. The appellant identifies that in 2016/17 to 2018/19 delivery was 77% of the requirement which in 2021 dropped to 57%. In this context, the provision of up to 8 dwellings would constitute a significant benefit in terms of contributing to the delivery of housing. Notwithstanding the conflict with development plan policy, the moderate adverse effect on landscape character would not significantly and demonstrably outweigh the benefit of this development.

## **Conclusion**

9. For the above reasons and having taken all other matters into consideration this appeal is allowed.

*George Baird*

Inspector