



Appeal Decision

Site visit made on 17 December 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/B2355/W/24/3347344

Land At Pendle Avenue, Bacup OL13 9DW

- 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 Zamir Dean against the decision of Rossendale Borough Council.
 - The application Ref is 2024/0015.
 - The development proposed is erection of one, two-storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 12 December 2024, the Government published the 2023 Housing Delivery Test (HDT) results which show that the Council has delivered 82% of its housing requirement over the latest 3-year period. This differs from its position when the application was determined, when delivery was less than 75% and therefore below that required by the HDT. Given this change, I have asked for comments from the parties on this matter.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second (technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
5. A plan has been submitted showing a possible layout, this is considered as indicative only.

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.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

7. The appeal site is situated within a residential street. It contains several trees, of considerable amenity value and offers views towards the open countryside beyond Bacup. Whilst overgrown, the site has a natural and open appearance that contrasts with the largely built-up surroundings, similar to a parcel of land at the junction of Pendle Avenue and Coniston Way. Such undeveloped areas significantly enhance the street scene and positively contribute to the character of the wider area.
8. Whilst a section of open land may be retained within the appeal site, next to the adjoining informal footpath, the likelihood is that a large proportion of the plot frontage would be occupied by the dwelling and the associated car parking. Consequently, this would materially erode the site's sense of space, which currently counterbalances the otherwise tightly grained pattern of development, to the detriment of the character and appearance of the area. Furthermore, the introduction of built form onto the site would interrupt, and partially obscure, the existing views of the countryside setting of Bacup.
9. The information before me suggests that the site is not allocated as open space or used for sport or recreation. Additionally, it appears to have a limited role as a place to meet for people who might not otherwise do so. Nonetheless, this does not diminish the visual contribution it makes, as informal green space, to the character and appearance of the area.
10. Turning to the other matters of principle, the proposed use of land for residential purposes would be consistent with the predominant land use in the surrounding area. With only a single dwelling proposed, the amount of development would be modest. However, I conclude that a single dwelling on the appeal site would be inherently harmful to the character and appearance of the area for the reasons set out above. As such, the location is unacceptable in principle and would therefore conflict with Policies ENV1 and ENV3 of the Rossendale Local Plan which seeks high quality development that is in scale and keeping with the landscape character.

Other Matters

11. The proposal would, through the delivery of an additional unit, contribute towards the Frameworks aim to boost the supply of housing. However, the Council state that it has a supply in excess of 5 years, which is not disputed by the appellant, and, as set out above, housing delivery is acceptable. As such there is nothing before me to suggest that current policy is not providing enough housing to meet the requirements for the area. Therefore, I attach limited weight to the provision of a dwelling as proposed. Benefits to the local economy would also be limited due to the small scale of the scheme.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR