



Appeal Decision

Site visit made on 25 March 2025

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2025

Appeal Ref: APP/B2355/W/24/3356574

Hargreaves Fold Farm Barn, Hargreaves Fold Lane, Lumb, Rossendale BB4 9RU

- 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 Mr Aidan Kyme against the decision of Rossendale Borough Council.
 - The application Ref is 2024/0371.
 - The development proposed is described as: 'Change of use and conversion of an agricultural barn to a dwelling'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the location of the proposed development is acceptable having regard to the development plan policies, with particular regard to accessibility and the effect on the character and appearance of the area.

Reasons

3. Policy SD2 of the Rossendale Local Plan (2021) (the RLP) requires all new development to take place within the defined Urban Boundaries, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area.
4. The Council considers the appeal site to be isolated for the purposes of paragraph 84 of the National Planning Policy Framework (the Framework). The appeal site lies within close proximity of the small cluster of houses and agricultural buildings that share the same access road which provides links to Burnley Road East within the settlement of Water. Due to the proximity of nearby development, I am therefore not convinced that the appeal site is isolated for the purposes of Paragraph 84 of the Framework.
5. Burnley Road East is lined by ribbon development and Water is defined as a Rural Local Service Centre, which contains a public house and a primary school approximately 1 kilometre from the appeal site. There is a bus route around 500 metres away from the appeal site here which carries services between Bury, Rawtenstall and Burnley on a mostly hourly or longer basis from Monday to Sunday.
6. Mindful of paragraph 110 of the Framework, I note that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In that regard I am satisfied that future occupants of the appeal proposal would not be

wholly reliant on the private car and would be likely to access some of the services and facilities on foot. I am satisfied therefore that the appeal site is an accessible location and would comply with the requirements of the Framework in this regard.

7. Nevertheless, as new housing development within the open countryside, the proposal would be contrary to the housing strategy set out within the RLP. As an exception to this strategy of requiring new development within the defined Urban Boundaries, Policy HS12 permits the conversion of an existing building in the countryside where, amongst other things, the proposal would not have a materially greater impact on the openness of the area and would not harm the character of the countryside. The building is required to be of a permanent and substantial construction, structurally sound and capable of conversion without the need for more than 30% reconstruction.
8. The appeal building is a modern agricultural building. It is a permanent building comprising of a steel portal frame with low concrete panels and vertically spaced timber boards forming the walls above. Its roof comprises of plastic-coated corrugated panels. It is of very recent construction and nothing before me indicates that the building is not structurally sound.
9. Neither party has estimated the extent of reconstruction proposed as part of the appeal scheme, however the development proposed would involve the construction of an 'outer leaf' of stone walling beyond the existing concrete panels and timber boarding. Whether this would involve the retention of the timber boards is not clear. However, the proposed floor plans appear to indicate a new cavity wall with the steel columns embedded within it.
10. It is also proposed to replace the existing corrugated sheet roof with a new roof with a steeper pitch that would be finished with natural blue slate. There is no information as to the works required to the existing structure to form this new roof. It is also unclear if this would require the removal of the existing metal trusses that make up the portal frame or whether a new supporting structure would be required.
11. The onus is on the appellant to demonstrate that the proposal would meet the policy requirement of no more than 30% reconstruction and there is a lack of evidence in that regard. However, the provision of a new outer wall extending for the full height and perimeter of the building and an entirely new roof with a higher ridge, steeper pitch and different roof covering would be considerable building operations affecting the majority of the structure. Based on the evidence before me, the works required would go significantly beyond what could reasonably be considered a conversion of the existing building and would likely exceed the 30% reconstruction referred to in RLP Policy HS12. Given the extensive development works required to bring it into use, the proposed development would be tantamount to the construction of a new dwelling outside of the Urban Boundaries and within the open countryside, in conflict with Policy SD2 of the RLP.
12. Notwithstanding my above assessment, Policy HS12 also requires agricultural buildings to have been substantially completed within ten years of the date of the application. The appellant acknowledges that the proposal would fail to meet this requirement.
13. Policy ENV1 expects development proposals to take account of the character and appearance of the local area, including, amongst other things, their siting, layout, massing, scale, design, materials, lighting, and landscaping. Similarly, Policy ENV3

seeks to protect the distinctive landscape of the area requiring development to protect and enhance the character and quality of the landscape, responding positively to the visual inter-relationship between the settlements and the surrounding hillsides, taking into account views into and from the site.

14. The appeal building is a substantial agricultural building of modern proportions located in a prominent position on the edge of a steeply sloping hillside above Burnley Road East. Owing to its scale and bulk, it is highly visible within the wider landscape, including in views from the access road which is also a public right of way. Nonetheless, its visual impact is mitigated, to a degree, by the consistency of its timber boarding, unbroken by openings, which has weathered to a muted colour. Furthermore, I would note that such buildings, designed for modern agriculture, are common in the countryside. The building lies to the north of a small group of traditional stone buildings, including existing dwellings and former agricultural buildings that have been converted to residential use.
15. I accept that stone is a traditional material and is present in the walls of the nearby traditional buildings. However, the provision of the outer leaf of stone to all four walls of a building of such modern proportions and scale would lead to the creation of a substantial stone structure that would impose significantly on its landscape setting. Its excessively wide gable, in particular, would be highly prominent in views from the public right of way. Furthermore, its extensive fenestration arranged irregularly across all faces of the building over two floors and the large, glazed balcony would add to its prominence, disrupting the previous muted and consistent appearance. Nothing before me indicates that large stone buildings of such proportions are features of Rossendale's distinctive landscape and this was not my impression on the site visit. The transformation of the appeal building from a simple utilitarian agricultural building to a stone building of this scale and proportion in such a prominent and open countryside setting, would result in a highly incongruous form of development that would be at odds with the form, scale and character of the existing traditional stone buildings and the character of the wider area.
16. Both parties have referred to the Conversion and Re-Use of Buildings in the Countryside Supplementary Planning Document (2010) (the SPD). The SPD sets out that large, modern agricultural buildings will generally be unsuitable for conversion, and the Council expects such buildings to be removed when they are no longer required. It further notes that other smaller modern buildings will also normally be inappropriate for conversion, even if they are of permanent or substantial construction. Whilst I am mindful that this is only guidance, this reinforces my above assessment.
17. The Council considers that the proposal could potentially lead to the accumulation of further built development within the countryside to replace the appeal building that was recently constructed as part of an agricultural need. However, the appellant argues that the need would be fulfilled by a new building that would be constructed as part of an extant approval. Whilst the two buildings differ in size, the appellant has argued that the agricultural enterprise has recently changed to rearing hardier sheep breeds with the change in direction not requiring as large a building. However, I am mindful that if in the future such an application for a new building were to come forward, the effect on the countryside would be able to be assessed at that point. I am therefore satisfied that the proposal would not directly

lead to further agricultural buildings being constructed that would be harmful to the openness of the area.

18. On this same basis the Council argues that the appeal proposal could result in harm to the agricultural enterprise occupying the land. However, the appellant has provided justification for the lack of a need for the existing building, as set out above. Based on the evidence before me, the enterprise is extremely small in terms of land holdings as well as buildings. Given that the appellant's intention is to erect the building that has an extant approval, which the appellant argues would meet all of his needs I can see no reason why this would not be the case. I am satisfied that there is no convincing evidence that the enterprise would be significantly harmed as result of the proposed conversion of the appeal building to a dwelling.
19. Nevertheless, for the above reasons, the proposal would fail to meet the exception to the housing strategy set out at Policy HS12. Whilst I have found that the location would be accessible in the context of the Framework, the proposal would constitute new housing development in the open countryside outside of any settlement boundary and contrary to the housing strategy. I therefore conclude that the location of the proposed development would not be acceptable having regard to the development plan policies and, for the reasons set out above, would result in significant harm to the character and appearance of the area. The proposal would conflict with Policies SD2, HS12, ENV2 and ENV3 of the RLP described above.
20. There would also be conflict with the provisions of Framework paragraph 135 which seeks to ensure new developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character. A similar conflict would also occur with paragraph 187 of the Framework which seeks to ensure planning decisions recognise the intrinsic character and beauty of the countryside. Owing to the extent of harm to the countryside, there would also be conflict with RLP Policy SD1 which seeks to ensure proposals constitute sustainable development in line with the Framework.

Other Matters

21. The building group which the appeal site lies close to includes two listed buildings. Mindful of the statutory duty set out in section 66(1) of the Act¹, I have had special regard to the desirability of preserving the setting of these listed buildings. The buildings lie within a separate yard and are accessed at a point further along the access road.
22. Hargreaves Fold Farmhouse South is a Grade II listed building², dating from around 1700, which faces south over its garden away from the group. The rear elevation which faces onto the shared yard includes a rear outshot of considerable age. Its special interest and significance derives from its architectural and historic interest as an early eighteenth century farmhouse. Key contributors in these regards are its surviving architectural features such as the mullion windows and dripcourse, its group value as part of the cluster of buildings and its agricultural setting.

¹ Planning (Listed Buildings and Conservation Areas) Act 1990.

² List Entry Number: 1072766.

23. Constructed of watershot coursed sandstone, 5 Hargreaves Fold Cottages is a Grade II listed³ modest two bay cottage that lies in the centre of a row of three immediately to the west of Hargreaves Fold Farmhouse South. The cottage likely dates to the late eighteenth century and fronts the yard. Its special interest and significance derive, in part, from its group value and likely association with agriculture and the adjacent Hargreaves Fold Farmhouse South.
24. The setting of both listed buildings consists primarily of the small cluster of buildings around them and the agricultural land extending away from their gardens to the south. The appeal site also lies within their wider setting, but as a modern agricultural building located beyond intervening development, notably a further dwelling, its associated turning area and a paddock, it makes little contribution to the listed buildings and their setting. The structures are not seen in the same context in wider or landscape views. The harm arising from the change of use of the agricultural building to a dwelling and the associated development that is discussed in the main issues above would therefore not have any discernible effect on the setting of the listed buildings and their special interest and significance would be preserved in line with the requirements of the Act. I note the Council concluded similarly.
25. Whilst it is argued by both parties that the internal footprint of the building and its size and massing would not change, it appears to me that the proposed plans show a building comprising of 4, approximately 6 metres wide, bays (based on the internal dimensions marked on the plan) whilst the existing plans show a building of 20 metres length as is marked on the plans. The proposed plans therefore appear to indicate a proposed building of around 24 metres long. Nonetheless, I need not consider this matter any further as I am dismissing the appeal on the above grounds.

Planning Balance and Conclusion

26. I have reasoned above that the proposal would result in harm to the character and appearance of the area and would conflict with the housing strategy (within both the terms of relevant elements of the development plan and the Framework). There would nonetheless be a small social benefit in providing an extra housing unit within what I have found to be an accessible location. Limited economic advantages would also arise from the construction and occupation of a new house. Owing to the small scale nature of the proposal, for a single house, limited benefits would also arise with regard to housing supply.
27. In that regard, the Council sets out that since the determination of the application the Council is now able to demonstrate 5.2 years of housing land supply (for the period 2024/25 to 2028/29). Furthermore, based on the evidence provided it has met 82% of its house completions target over the past 3 years and therefore, with a 20% buffer it is argued that paragraph 11. d) of the Framework is not engaged. The appellant argues that completions have been very low and the Council is in breach of new Government completion targets.
28. Nonetheless, inherent in my reasoning above, is that even if the Council could not demonstrate 5 years housing land supply or if it had under delivered with regard to completions, and paragraph 11. d) of the Framework were engaged, the adverse

³ List Entry Number: 1072767.

impacts of granting permission would significantly and demonstrably outweigh the limited benefits that would result.

Paul Martinson

INSPECTOR