



Appeal Decision

Site visit made on 9 June 2025

by L Fern BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 JULY 2025

Appeal Ref: APP/E2340/W/25/3362706

Land adjacent to Ebenezer Chapel, Gisburn Road, Blacko, Lancashire BB9 6LS

- 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 Reegan Haigh of URL Group Limited against the decision of Pendle Borough Council.
 - The application Ref is 24/0826/PIP.
 - The development proposed is for up to five dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name in the banner heading above has been taken from the appeal form and clarified as being correct. It differs slightly in spelling from that on the Council's decision notice. However, the appellant has acknowledged that a spelling mistake was made on the application form.
3. The proposal is for a permission in principle. The 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 two stages: the first stage (permission in principle) (PiP) establishes whether a site is suitable in principle and the second stage (technical details consent) (TDC) is when the detailed development proposals are assessed. This appeal relates to the first of the two stages and the scope of considerations is therefore limited to location, land use and the amount of development permitted¹. I have determined this appeal accordingly.
4. In this instance, PiP is being sought for the provision of between 1 and 5 dwellings on the appeal site. A site layout plan has been submitted that shows how the site could be developed for 5 dwellings. The plan is clearly marked for illustrative purposes only and I have only considered it as such in my deliberations.

Main Issue

5. The main issue is whether the site is suitable for the proposed development, having regard to amount, and specifically in terms of the effect on the character and appearance of the area.

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

Reasons

6. The appeal site comprises a plot of grazing land off Gisburn Road on the edge of the village of Blacko. It wraps around the back of Ebenezer Chapel and stretches along Beverley Road. The land is relatively level at its connection with Gisburn Road. However, Beverley Road decreases in height moving away from Ebenezer Chapel, resulting in the site being set at an elevated position, retained by a dry-stone wall.
7. One of the notable positive characteristics of Blacko village, which was clearly observed during my site visit, is its surrounding landscape setting, which, due to the topography of the land, is visible from numerous positions within the built form. Blacko village is linear in form and follows the contours of the land at the foot of Blacko Hill (BH) with the landscape sloping up to Stansfield Tower (ST), which is an important local landmark to residents and forms a prominent part of the skyline and therefore the distinctiveness of the area.
8. Views of BH and ST are afforded across the site from Beverley Road, with hedgerow vegetation adjacent to the retaining wall only intermittently disrupting the views. Additionally, BH and ST can be observed from Gisburn Road, across the site, between Ebenezer Chapel and the cottages at the junction between Gisburn Road and Beverley Road.
9. The proposed development is for the construction of up to 5 dwellings. Whilst the exact number of dwellings would be established through the TDC stage, I have based my decision on the greatest number of dwellings the proposal could bring forward, which would likely have the greatest impact.
10. Whilst there is potential for intermittent views of BH and ST to be maintained from Beverley Road and Gisburn Road between the proposed dwellings, the introduction of this amount of built development on this elevated site would inevitably alter the distinctive rural character of those views and the landscape as a whole.
11. It is acknowledged that there are some existing buildings, notably Ebenezer Chapel and the adjacent cottage that already obscure some views of BH and ST. However, the effect of these is limited, they are historic in character and as previously discussed, the proposed development would cause a significant degradation of views across the landscape that play an important part in characterising the village.
12. Furthermore, the site sits partially to the rear of Ebenezer Chapel and the proposed development would be read as backland development when viewed from Gisburn Road and its junction with Beverley Road. Development to the rear of the existing built form is not something that is characteristic of the site's immediate surroundings and would likely occur with the number of dwellings proposed, thus, appearing at odds with its surroundings.
13. The elevated nature of the site from Beverley Road, its contribution to the character of the village by way of allowing views across it to BH and ST and its rural character are positive features that contribute to the character of the village. The introduction of this amount of built development, despite the absence of details, would inevitably erode the contribution the site makes to the village, to the detriment of the character and appearance of the surrounding area.

14. Accordingly, I find significant harm to the character and appearance of the surrounding area with regards to the amount of development proposed, contrary to Policies ENV1, ENV2 and LIV5 of the Pendle Local Plan Part 1 Core Strategy. These policies seek to, amongst other things, safeguard or enhance the landscape character of the area, ensure proposals make a positive contribution to local identity and character, and are built to a density appropriate to their location.

Other Matters

15. The statutory duty set out at Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any special architectural or historic interest which it possesses.
16. The site is located adjacent to Blacko War Memorial (the Memorial), which is Grade II listed. The elegant obelisk Memorial, dedicated to the sacrifices made during the First and Second World Wars, is framed within a small, formal landscaped area fronting onto Gisburn Road, with mature vegetation to the rear.
17. The built form of the proposed development would be located a significant distance to the rear of the Memorial, thereby maintaining the Memorial's important presence onto Gisburn Road. There is potential for the access road to the proposed development to be located adjacent to the Memorial where the current field gate sits. However, this would be a matter for consideration at TDC stage and in any case, due to the existence of the field entrance, I have no reason to doubt that a proposed access could be accommodated in this location, whilst maintaining the setting of the listed building.
18. Both main parties agree that the Council can only demonstrate a 2.8-year supply of deliverable housing sites, which falls significantly short of the requirement of 5 years set out in the National Planning Policy Framework (the Framework) and is cause for concern. The proposed development would therefore contribute towards reducing this deficit, although to a limited degree given that the proposal is for a maximum of 5 dwellings and there is no guarantee that the upper number would be realised.
19. There are economic and social benefits that weigh in favour of the proposed development. These include short-term employment during the construction phase and contributions made to the local economy by future residents.

Planning Balance

20. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the LP, with the associated conflict leading to significant harm to the character and appearance of the surrounding area, with regards to the amount of development proposed.
21. The proposal conflicts with the development plan taken as a whole and should be refused unless other material considerations indicate otherwise.
22. Both parties agree that the Council cannot demonstrate a 5-year supply of deliverable housing sites, and paragraph 11 d) of the Framework explains that in such circumstances, planning permission should be granted unless adverse

impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

23. I have taken account of the fact that the proposed development would contribute, although limited with no guarantee of delivery of the upper number of dwellings, to the Council's housing supply, which is currently significantly short of requirements and therefore of concern. I have afforded moderate weight to this consideration accordingly.
24. Furthermore, I have apportioned limited benefit to the economic and social benefits from employment during construction and contributions that would be made by future residents.
25. Thus, I have concluded that the significant harm identified to the character and appearance of the surrounding area with regards to the amount of development proposed would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development as articulated in paragraph 11 d) of the Framework.

Conclusion

26. The proposal conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons above, I conclude that the appeal should be dismissed.

L Fern

INSPECTOR