



Appeal Decision

Site visit made on 15 July 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th August 2025

Appeal Ref: APP/B2355/W/25/3363493

12 Milne Street, Ramsbottom, Bury, Lancashire BL0 0QP

- 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 John Marriott against the decision of Rossendale Borough Council.
 - The application Ref is 2024/0319.
 - The development proposed is change of use of agricultural land to residential land.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although 'Retrospective' is included in the description of development on the application form, I have not included it in my heading above as it does not describe an act of development.
3. The appellant contends that the land is still in use for agriculture and horticulture purposes, however the appeal before me, made under section 78 of the Town and Country Planning Act 1990, is for the change of use of agricultural land to residential land. It is not the role of such appeals to examine the lawful use of land or buildings. It is open to the appellant to apply to have such matters determined under sections 191 or 192 of the Act. Any such matter would be unaffected by my determination of this appeal.

Main Issues

4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and
 - the effect upon the openness of the Green Belt; and
 - the effect of the development on the character and appearance of the area, including the setting of Irwell Vale Conservation Area; and
 - the effect of the development on the living conditions of neighbouring occupiers, with particular regard to privacy, and the potential for noise and disturbance; and
 - the effect of the development on biodiversity; and

- If the proposal is inappropriate, whether any harm by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The Framework, identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Certain forms of development are, however, not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
6. Policy SD2 of the Rossendale Borough Council, Rossendale Local Plan 2019-2036 (the Local Plan), includes an expectation that new development will contribute to compensatory improvements to land elsewhere in the Green Belt, enhancing both its quality and public access.
7. The Council in its Officer report, refers to paragraph 154 h), which allows for material changes of use of land, provided they preserve openness and do not conflict with the purposes of including land within it. The appeal proposal is for the use of land for residential purposes and on my site visit I observed that it is used for growing plants and sitting out. I do not therefore consider that the flavour or extent of the proposal bears a resemblance to outdoor sport or recreation, or cemeteries and burial grounds¹. As the proposal does not accord with this or other relevant criteria, the proposal amounts to inappropriate development in the Green Belt.
8. As such, I conclude that the appeal proposal amounts to inappropriate development in the Green Belt, which is by definition harmful, such that it conflicts with the requirements of the Framework. Furthermore, it would conflict with Policy SD2 of the Local Plan as there are no proposals for compensatory improvements to land elsewhere in the Green Belt, enhancing quality and public access.

Openness

9. The land was formerly part of a larger and open agricultural field and is now used for residential purposes. Whilst much of the land is grass, it incorporates a pergola structure, greenhouse and an area of potted plants and raised beds. It is also separated from the remainder of the adjacent field by way of a post and rail fence. These features have eroded the spatial openness of the area, and the structures erode the visual openness of the site. The proposal has therefore resulted in a harmful loss of openness.

Character and appearance

10. The appeal site adjoins the rear boundaries of no's 10 and 12 Milne Street. Both of these dwellings and their original gardens are within Irwell Vale Conservation Area; a designated heritage asset. The conservation area is significant for its historic rural character and grain of development, expanded around the mill

¹ Kingston Upon Thames (RB) v SSLUHC [2023]

industry and the railway, and encompasses former worker and mill owner cottages and industrial buildings. The setting of the village comprises woodlands, lanes and open fields, including the appeal site and the adjoining land.

11. In considering the effect of the proposal on the conservation area's setting, the impact must be weighed against the harm it would have on the heritage asset as a whole. The appeal site was formerly part of the wider open field that was an intrinsic part of the conservation area's setting, however it now has a domesticated appearance with associated structures placed upon it. This has an adverse effect on the setting of the conservation area, albeit confined to a very small area, and a modest impact due to the small scale of the structures. This would amount to less than substantial harm to the setting of the conservation area, at the low end of the spectrum of harm for the reasons identified. Within the meaning of paragraph 212 of the Framework, I must attach great weight to the heritage asset's conservation, irrespective of the extent of harm to its significance.
12. Having applied the test set out in paragraph 215 of the Framework, I consider that the benefits of the development are primarily private, relating to the extension of a residential use. Accordingly, I find that the public benefit would not offset the identified harm.
13. As such, I conclude that the proposal would have a harmful effect on the character and appearance of the area, including the setting of Irwell Vale Conservation Area. Accordingly, in this regard, the proposal conflicts with Policy ENV1 of the Local Plan and the requirements of the Framework. Amongst other things, Policy ENV1 requires high quality development, including safeguarding and enhancing the built and historic environment.

Privacy of neighbouring occupiers

14. The appeal site land is in part, slightly elevated above the garden of no 10 Milne Street. It then slopes downhill from west to east, to a point where it is at the same level as the next adjoining garden further to the east. Border plants and shrubs prevent direct overlooking of either neighbouring garden or the ground floor windows of 10 Milne Street. The first and second floor windows of 10 Milne Street are positioned high above the level of the appeal site, and so are not directly overlooked. There is also no direct overlooking of windows in other dwellings to the east, given their orientation and position away from the appeal site.
15. The use of the land for residential purposes may give rise to such activities as sitting out, outdoor games, talking and shouting. However, the surroundings are that of a small village, with several rear gardens in close proximity to one another, and as such the use of land as garden would not be unduly harmful with regards to noise and disturbance in this context.
16. For these reasons, the proposal would avoid having an unacceptable harmful effect on the living conditions of neighbouring occupiers, with particular regard to privacy and the potential for noise and disturbance. Accordingly and in this regard, I find no conflict with the relevant provisions of Policies ENV1 and ENV6 of the Local Plan. These policies require development to be compatible with surrounding land uses, and avoid an adverse effect on neighbouring occupiers, amongst other things.

Biodiversity

17. The site is within the East Lancashire Railway Helmshore to Lumb Hall Biological Heritage Site and is noted as grassland in terms of Green Infrastructure. However, no evidence has been provided in respect of biodiversity of the designated land, of agricultural land within those designations, or the appeal site.
18. The site remains grassland, despite it being more manicured than the adjoining agricultural land. Whilst some small areas have been replaced with hard surfaces, the site is also enriched with fruit trees, and other plants.
19. Accordingly, based on the available evidence, I conclude that the proposal would not have a harmful effect on biodiversity. As such, in this regard the proposal would not conflict with Policies ENV3 and ENV4 of the Local Plan. These policies require new development to conserve and where possible enhance the natural and built environment and should seek to protect biodiversity and where possible enhance sites, amongst other things.

Other considerations

20. The use of the land has not interfered with land drains, no flood risk has been created, and there is no contamination issues or ground level changes. Whilst these are unsubstantiated comments, I see no reason why the development would be impactful for these reasons, given the lack of construction work on the site. I have also noted that, the occupier of the neighbouring property has not objected to the appeal proposal. These, and my finding that the proposal would not harm biodiversity or the living conditions of neighbouring occupiers, are neutral factors that do not weigh in favour of allowing the appeal.
21. I am told that other houses have used the same field as gardens for many decades, however I have no information about the houses in question, or any associated planning history. I can therefore attribute only very limited weight to this matter.
22. The landscaping on the site could potentially enhance biodiversity, however I have not been provided with information to substantiate this. In any case, biodiversity is a benefit that would be common to many developments. For these reasons I attribute limited weight to this matter.

Planning Balance and Conclusion

23. The proposal would constitute inappropriate development in the Green Belt and would harm openness. The Framework requires that the harm by reason of inappropriateness be given substantial weight, and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt and any other harm, which in this case relates to the effect on the character and appearance of the area including Irwell Vale Conservation Area, is clearly outweighed by other considerations. The other considerations in this case do not clearly outweigh the harm, and as such very special circumstances do not exist.

24. The proposal is contrary to the development plan as a whole, and contrary to the provisions of the Framework. As such, and for the reasons set out above, I conclude that the appeal should be dismissed.

E Heron

INSPECTOR