



Appeal Decision

Site visit made on 29 July 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Appeal Ref: APP/E2340/W/25/3361959

Land to the south of 117 Greenfield Road, Colne, Lancashire BB8 9QU

- 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 Harold Lumb against the decision of Pendle Borough Council.
 - The application Ref is 24/0701/FUL.
 - The development proposed is conversion of existing garage/workshop to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Further minor amendments were published on 7 February 2025. This post-dates the Council's refusal notice. Of particular relevance to this appeal, the revised Framework introduces the concept of grey belt land. Therefore, the main parties were invited to comment on the implications of this revised national policy, and these comments have informed my decision.

Main Issues

3. The main issues are:
 - whether the development is in an appropriate location with regard to matters of flood risk;
 - whether the appeal site is grey belt land and whether the proposal is inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies;
 - the effect upon the openness of the Green Belt; 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

Flood risk

4. The majority of the appeal site, including the location of the garage, is located within Flood Zone 3, which is a zone with a high probability of flooding. The

proposal is for the change of use to a dwelling, and Annexe 3 of the Framework classifies such a use as being more vulnerable to the effects of flooding.

5. Policy ENV 7 of the Pendle Local Plan Part 1: A Local Plan for Pendle, Core Strategy 2011-2030 (Core Strategy), states that the change of use of existing buildings, within Flood Zone 3, to residential uses, or uses which put lives at risk, will not be permitted, amongst other things.
6. Paragraph 170 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
7. Paragraph 181 of the Framework requires the submission of a site-specific flood-risk assessment (FRA). It goes on to state that, development should only be allowed in areas at risk of flooding where, in light of this assessment it can be demonstrated that:
 - a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) *the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
 - c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) *any residual risk can be safely managed; and,*
 - e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

All of the above criteria must be satisfied for a development to be considered safe.

8. The FRA states that during a 1 in 100 year plus 36% climate change allowance, the flood event at the site would be 124.76 AOD, during which flood depths could be between 0.66 metres and 1.06 metres. This would result in significant flooding of the ground floor garage area and surrounding land. Whilst the first floor living accommodation would be above flood depths, access and egress would be via the external staircase, directly onto the surrounding land.
9. The FRA recommends a Flood Warning and Evacuation Plan and use of the Environment Agency's (EA) Flood Alerts and Flood Warnings service. Even so, there may be events when early evacuation is not possible, such as at night when warnings may not be heard, or time may be required to prepare to leave. On occasions when early evacuation is not possible, the proposal relies on occupiers seeking refuge within the residential accommodation at first floor level. I am also advised that the nearest available evacuation point would be to Flood Zone 1, some 35 metres away.
10. In the absence of evidence to the contrary, there is a significant risk that residents could become stranded during a flood event with no means of escape, due to the extent and depth of surrounding flood water, and the significant distance to an

evacuation point. Emergency responders may also be required to cross flood waters in order to provide assistance, putting themselves at risk. Moreover, the FRA provides no details of any safe access and escape routes as part of an emergency plan that do not involve crossing land at high risk of flooding.

11. Additional mitigation measures are suggested including retrofitting flood resilience measures, and flood exclusion and/or entry strategies during a flood event. However, these are vague recommendations and there is no evidence before me that such measures would negate the need for seeking refuge at first floor level. Overall, it has not been adequately demonstrated that the proposal would ensure the safety of future occupants during a flood event and for the lifetime of the development.
12. I am mindful that the EA has not objected to the proposal, subject to the proposed mitigation measures, and I acknowledge that the proposed development would not exacerbate flood risk elsewhere. Nevertheless, the Planning Practice Guidance¹ states that residents should have the ability to safely access and exit a building during design flood conditions and to evacuate before an extreme flood. Based on the evidence before me, I am not persuaded that the mitigation proposals reliably allow for this to take place.
13. Therefore, I find that the proposed development is not in an appropriate location with regards to matters of flood risk. The proposal would conflict with Policy ENV 7 of the Core Strategy and the associated provisions of the Framework, for this reason.

Whether the appeal site is grey belt land

14. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. I have not been referred to any specific development plan policies relevant to the Green Belt. Therefore, my Green Belt assessment is solely based on the policies of the Framework.
15. Paragraph 155 of the Framework allows for the development of homes on grey belt land where specific criteria are met. The appellant considers the proposal to be on previously development land that should be considered as grey belt.
16. The definition of grey belt land specifically excludes land where the application of the policies relating to the areas or assets in footnote 7 of the framework, (other than Green Belt) would provide a strong reason for refusing or restricting development. Footnote 7 includes areas at risk of flooding.
17. I have found that the proposal would not be an appropriate location due to matters of flood risk, contrary to the relevant policies of the Framework. This provides a strong reason for refusing the development. Consequently, site is excluded from the definition of grey belt land.

Inappropriate development

18. Paragraph 154 c) of the Framework allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and

¹ PPG Paragraph: 005 Reference ID: 7-005-20220825

above the size of the original building. This is not limited to an assessment of footprint.

19. Whilst the footprint of the building is not proposed to be increased, the volumetric increase of the building by 50% is undisputed by the appellant. The proposal introduces a full height upper storey to the building, with a resultant significant increase in eaves and ridge height. This would significantly alter the scale and massing of the building; therefore I consider this extension to be a disproportionate addition over and above the size of the original building. It would therefore fail to accord with the exception set out at paragraph 154 c).
20. The proposal, amounts to inappropriate development in the Green Belt, which is by definition harmful. It would therefore, conflict with the requirements of the Framework.

Openness

21. Openness can be characterised as the absence of built form. The PPG states that openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume. The degree of activity likely to be generated is also a factor that can be considered.
22. The existing garage building sits at the far end of a small settlement and is of single storey construction with a gated and fenced enclosure that is lower than the building's eaves height. There is significant space between the appeal site and any other dwellings. In the intervening space are low-level domestic garden structures such as gates, fences, walls and sheds. Beyond the appeal site is an open field with a backdrop of tall trees. The M65 motorway, whilst nearby, is not a physically prominent feature in the locality.
23. The proposal, together with the external steps and balcony would introduce a substantial solid structure at first floor height with dual-pitched roof above. The solid structure would be well above the low level domestic features and enclosures that sit within the gap between the site and any other dwellings. It would also significantly disrupt the openness between any dwellings within the small settlement, and the open fields beyond the site. As such its massing and volume would erode spatial and visual openness. The proposal would also generate external domestic activity at first floor level, due to the presence and space available on the balcony for sitting out, drawing attention to the development and further eroding openness for this reason.

Other considerations

24. The Council has no concerns with the proposed materials and design of the proposal, and no highway safety concerns are raised. I am also advised that all public utilities and services are available within the site. No heritage assets would be affected. I am also told that a substantial mill existed on site, however this has long since been demolished. Nevertheless, these are neutral factors that do not weigh in favour of allowing the appeal.
25. The appellant has made reference to a new dwelling, lying across from the appeal site. The location of that development, and any planning application history associated with it has not been made available to me. This limits the weight I can

attribute to this factor and in any case, the proposal is considered on its own merits.

26. The proposal would result in modest social and economic benefits associated with the provision of one additional dwelling.

Planning Balance and Conclusion

27. The proposal would constitute inappropriate development in the Green Belt and would harm openness. I have also found that the proposal is not in an appropriate location with regards to matters of flood risk and it would therefore not be safe for future occupants. The Framework requires that substantial weight be given to any harm to the Green Belt. The other considerations in this case do not clearly outweigh the harm, and therefore the very special circumstances necessary to justify the development do not exist.
28. Consequently, for the above reasons, the proposal is contrary to the development plan as a whole, and no material considerations of sufficient weight have been advanced to justify a decision other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

E Heron

INSPECTOR