
Appeal Decision

Site visit made on 16 September 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2025

Appeal Ref: APP/B2355/W/25/3367109

The Coach House, Burnley Road, Bacup, Lancashire OL13 8PA

- 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 Dwayne Seymour against the decision of Rossendale Borough Council.
 - The application Ref is 2024/0463.
 - The development proposed is described as to use the land for a small 2-bedroom bungalow to provide ground floor access and comfortable living accommodation for disabled persons. The application includes the access to the proposed building in the form of a new poured resin driveway. The application does not include work to the boundary wall abutting the access leading to the site.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr D Seymour against Rossendale Borough Council. An application for costs was also made by Rossendale Borough Council against Mr D Seymour. These applications are the subject of separate decisions.

Preliminary Matters

3. At my site visit, I observed that the development has partly commenced with the removal of trees and vegetation, erection of buildings and engineering operations including the formation of hardstanding. The appellant has confirmed that approval is not being sought for works to the boundary wall abutting the access leading to the site, and I have therefore considered the appeal on this basis.
4. I have also dealt with another appeal¹ on an adjacent parcel of land, within the same ownership. That appeal is the subject of a separate decision.
5. The appeal site was also the subject of a recent appeal decision², which was dismissed. The appeal proposal was for the erection of a forestry building. The primary difference between the proposal and the previous scheme is the proposed building is now proposed as a residential dwelling. The appeal decision is a material consideration in the determination of this appeal.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

¹ Appeal Ref: APP/B2355/W/25/3366814

² Appeal Ref: APP/B2355/W/23/3331767

Reasons

7. The appeal site comprises a parcel of land opposite The Coach House, located on the edge of the settlement of Bacup. The appeal site is accessed via an unadopted road and contributes positively to the area as an edge of settlement site to the transition into the open countryside.
8. Between the appeal site and Burnley Road are a small number of terraced streets, containing mostly two-storey, stone and rendered properties. The Coach House is located directly opposite the site is a two storey, stone-built dwelling with a hipped roof which abuts the access road. Although close to existing residential properties and other development, the appeal site lies outside of the urban boundaries as defined in the Rossendale Local Plan 2019 to 2036, adopted 2021 (the RLP).
9. The proposed development would involve the erection of a 2-bedroom bungalow, including access to the proposed building in the form of a new poured resin driveway. The elevation fronting the access would be faced with ashlar stonework to match The Coach House, with all the other sides rendered in the same colour. The roof would be hipped and finished with natural blue slate.
10. I have had regard to the previous appeal decision³ on this site. The proposed building would be located in a similar position to the previous scheme and would be of a similar size and layout. The previous Inspector concluded that the size, massing, position and materials of construction would result in a building that would appear to encroach into the designated countryside.
11. I acknowledge that the appellant has sought to overcome the previous reasons for refusal by changing the use of the building from a forestry storage building to a residential building. In doing so, whilst the overall footprint, scale and external site layout remain the same, the use, materials and fenestration design have been amended. However, these changes do not reduce the harmful encroachment of the development into what is the open countryside, nor demonstrate that the form and design of the proposed building would take account of the character and appearance of the area.
12. The appellant states that larger, more dense development already exists in the area and the addition of a relatively low-lying, unobtrusive bungalow, set back away from the access road, will have no more of an urbanising impact than what already exists in the area. However, this development is primarily located within the established built form of the settlement, whereas the appeal site is within the countryside where the character is very different.
13. Furthermore, a single storey bungalow set within heavily landscape grounds, would not reflect the edge of settlement location nor the prevailing pattern of development. For these reasons, the proposed development would also not add to the overall quality of the area and fails to demonstrate that it would be sympathetic to the surrounding built environment.
14. I understand from the evidence before me that prior to the application being submitted the appeal site was cleared of grass and woodland and extensive areas of hardstanding installed. This has a harmful and urbanising effect on the character and appearance of the site. Therefore, whilst it is not disputed that the

³ Appeal Ref: APP/B2355/W/23/3331767

proposal would be capable of achieving biodiversity net gain, this would not overcome the significant harm to the landscape, character and appearance of the area that would result from the proposed development.

15. Consequently, I conclude that the proposed development would cause unacceptable harm the landscape, character and appearance of surrounding area. It would therefore be contrary to Policies ENV1 and ENV3 of the RLP, which seek amongst other things, to ensure that development takes account of the character and appearance of the local area and conserves the natural and built environment.
16. The proposal would also conflict with Paragraph 135 of the Framework which requires development to function well and add to the overall quality of the area, be visually attractive and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Other Matters

17. The Coach House⁴ and Broadclough Hall⁵ which are located on the opposite side of the road to the appeal site are Grade II Listed. I have therefore had regard to the statutory duty referred to in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Broadclough Hall is constructed from stone with a low hipped slate roof, and The Coach House is constructed from ashlar with a hipped slate roof and long rectangular plan. The rear elevation backs onto the access road to the appeal site. The significance of these buildings lies in the use of traditional materials and design. Given the proximity and physical relationship of the proposal with these designated assets, their settings would be preserved, and the proposal would not cause harm to their significance.
18. Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (the TCP Act) (inserted by the Environment Act 2021 (the Environment Act)). Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. For minor development, this applies for proposals submitted after 2 April 2024 and the date on the application form is 12 December 2024.
19. A Preliminary Ecological Appraisal⁶ and Biodiversity Metric have been submitted with the appeal, which state that the proposed development would result in the net gain of 12.18% in habitat units. Consequently, the proposal would make adequate provision for Biodiversity Net Gain.
20. I have had regard to third party concerns over privacy, vehicular access, and traffic. These matters were before the Council when it determined the planning application and did not feature in the reasons for refusal. Based on the evidence before me, and from my own observations, I have no reason to disagree with the Council's assessment of these matters. Further concerns raised by a third party relating to damage to private property would be a matter to be resolved between the affected parties.

⁴ List Entry Number: 1361949

⁵ List Entry Number: 1163193

⁶ Prepared by Richard Parkinson BSc(Hons) FLS MCIEEM Principal Ecologist – Living Ecosystems, dated 16th February 2025

Planning Balance

21. It is not disputed that that the Council is unable to demonstrate a five-year supply of housing sites. In such circumstances, Paragraph 11(d) of the National Planning Policy Framework (the Framework) requires that, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The proposed development would deliver an additional dwelling, which would contribute to the Government's aim of boosting housing supply. There would also be economic benefits arising from the construction, and from its occupation as a dwelling and an opportunity to deliver biodiversity net gain beyond the statutory requirement of 10%. However, even in the context of the Council's housing delivery issues, the benefits are limited due to the small scale of the development.
23. The appellant also states that bungalow would provide ground floor access and comfortable living accommodation for disabled persons. However, it is not clear whether this is the appellant or would be provided on the open market. There is no mechanism before me to require the dwelling to be occupied by a disabled person or persons and therefore I can only attribute this very limited weight.
24. Set against the benefits would be the adverse impacts of the proposal, in that it would cause significant harm to the character and appearance of the area. Therefore, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

25. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR