



Appeal Decision

Site visit made on 24 February 2026

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2026

Appeal Ref: APP/E2340/W/25/3373708

425 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 outline planning permission.
- The appeal is made by The Executors of the Estate of Mrs. D. Holt against the decision of Pendle Borough Council.
- The application reference is 25/0110/OUT.
- The development proposed is: Erection of 9 detached and semi-detached dwellings with integral, attached and detached garages.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved, except for access. As the matters of appearance, landscaping, layout, and scale are reserved, I have treated details shown on the submitted drawings in respect of these matters as being for illustrative purposes only.
3. The Council adopted the Pendle Local Plan Fourth Edition 2021-2040 (the Local Plan) on 18 December 2025, replacing the Core Strategy (2015) (the CS) and the Replacement Pendle Local Plan (2006). The main parties have commented on the implications of this change to the policy context. For the avoidance of doubt, my decision has been made against the new Local Plan of December 2025.

Background and Main Issue

4. The appeal site is located on Gisburn Road to the southern side of the village of Blacko. Development along the road is roughly linear in nature, with terraced housing stretching along the eastern side. The appeal site forms part of a smaller cluster of development on the western side that includes another short terrace, but also buildings standing at angles to the road and a number of detached properties. The land level falls appreciably from the road on the western side, allowing for expansive views of the countryside. The site itself contains a dwelling and garden close to the road, a stable block and horse manège to the rear and open, grassed paddocks extending downhill and surrounded by mature treelines. A public footpath also runs alongside the site boundary from Gisburn Road to the Water Meetings where other countryside rights of way converge.
5. Outline permission was granted on appeal in April 2024¹ for 9 dwellings located generally to the upper parts of the site closest to the existing dwelling. This permission remains extant and capable of implementation. The plans before me

¹ Appeal Ref: APP/E2340/W/23/3333395

indicate that the proposed development would represent a continuation of the permitted scheme, using the same access point and central access road that would be extended into the lower part of the site.

6. Officers initially recommended refusal of the application on the basis of concerns over surface water drainage. The application was deferred to allow for submission of a drainage strategy. For the second committee meeting, and notwithstanding that the drainage strategy was still pending, the recommendation of officers was to delegate approval of the application, subject to receipt of an acceptable drainage strategy. However, the committee ultimately voted to refuse permission on the grounds of significant harmful landscape and visual impacts that would significantly and demonstrably outweigh the benefits of the development.
7. Subsequent to this, the adoption of the new Local Plan has changed the policy context in relation to the location of housing. As such, I consider this an additional main issue of the appeal. I have had regard to the main parties' comments on this matter in reaching my decision.
8. Therefore, against this background, the main issues are i) whether the proposal would represent a suitable location for development, having regard to relevant development plan policy for the provision of housing, and ii) the effect of the proposal on the character and appearance of the area.

Reasons

Location for Housing

9. At the time of the Council's decision, Policy LIV1 of the CS supported development of sustainable sites outside but close to a settlement boundary which made a positive contribution to the five year supply of housing land. The Council accepted that the site was in a sustainable location, and in the context of a 2.8 year supply of deliverable housing sites, the proposal was considered to contribute positively to the supply of housing, in accordance with Policy LIV1.
10. However, under the new Local Plan, Policy SP02 sets out the spatial strategy for the area. The site lies adjacent to, but outside of the settlement boundary of Blacko, which is classified as a Rural Village in the fourth and lowest tier of the settlement hierarchy. The policy states that proposals outside a defined settlement will only be permitted for exceptions to Policy DM09 that are identified in the Framework, other development plan documents or a made neighbourhood plan. The new Local Plan sets out that the Council is now able to demonstrate a 5.57 year supply of deliverable housing sites². The appellant has not challenged this position and so the potential exception to the spatial strategy at Policy SP04 Part 5, where there is a shortfall in housing land supply, is not applicable in this case.
11. Policy DM09 permits development in the countryside in a number of specific circumstances, which do not include proposals for market housing. The appellant states that the proposal meets the exceptions to Policy DM09 identified in the Framework as it would accord with the requirements for sufficient land to be identified for homes at Paragraph 72 and support for small and medium sized sites at Paragraph 73. However, these paragraphs refer to the strategic approach to identifying land for housing through the development plan and other mechanisms.

² Paragraph 8.17

The Council has undertaken this through the adoption of the Local Plan, which includes allocations of several small and medium sized sites. This is consistent with the overall approach of the Framework. Indeed, the permitted forms of development under Policy DM09 reflect the forms of development supported in rural areas under the Framework, notably at Paragraphs 82, 83 and 84. Thus, I do not consider that these provisions of the Framework supersede the requirements of Policy DM09 or lend exceptional support to the proposal under Policy SP02(4).

12. The proposal otherwise does not meet any of the supported circumstances of Policy DM09, nor does it gain support as a rural exception site for the purposes of Policy DM23, or self/custom build housing under Policy DM27. As set out above, it has not been shown that the Council's housing land supply is insufficient, and therefore the proposal does not gain support under Policy SP04, Part 5.
13. For these reasons, I find that the proposal, being on a site outside of the settlement boundary of Blacko and within the open countryside, would conflict with the spatial strategy of the Local Plan as set out under Policies SP02, SP04 and DM09 and would not accord with the overall aims of the Local Plan in directing development to the most sustainable locations.

Character and Appearance

14. The site lies within the Moorland Fringe landscape character type. The Council's Development in the Countryside Supplementary Planning Guidance (Sept 2002) seeks to limit development within moorland fringe areas to modest schemes in or on the edge of settlement boundaries, where these make a positive contribution to landscape character.
15. The permitted scheme comprises a cluster of dwellings to the upper part of the site, closest to Gisburn Road and where there is existing built form. The proposal would extend development further into the site, away from the roadside and into a currently undeveloped field/paddock. However, the falling topography and tall, dense treelines along the site boundaries would provide a significant level of screening of the development from various vantage points, including Gisburn Road and the Water Meetings.
16. The development would be readily visible from the public footpath running alongside the site, and would effect a fundamental change in character relative to the undeveloped, natural appearance and tranquillity of the existing paddock. However, the presence of the existing dwelling on the site and No 423 opposite mean that those using the footpath already experience a transition between the built-up area and the open countryside as they descend the hill past the site. This is due to be added to by the approved scheme, and would be further extended by the proposal before me. However, the transition to the open countryside would remain a relatively short distance along the footpath and once past the site, the dense foliage would screen the development. Due to this visual containment, the development would not form a prominent feature seen across a wide expanse of the landscape, but would have a limited, localised effect on a short stretch of the footpath closest to the village envelope. This degree of change would not adversely affect the overall experience of the rural environment for walkers, who would continue to enjoy unaffected rural surroundings once past the site and on to the Water Meetings and routes beyond into the countryside.

17. The Council has referred to impacts from vantage points within the open land to the west of the site, but it has not identified any specific views or vistas that would be affected by the development, pointing only to a likelihood of roofs being visible from within the wider landscape, even whilst acknowledging the visual containment provided by the boundary treelines.
18. In views back towards the site from points to the west, the development would sit lower than the existing built form and would not appear conspicuous or dominant against the skyline. Observers would be likely to see only glimpses of roofs to the lower parts of the site, due to the falling topography and the height of the boundary trees, with the already permitted dwellings to the upper parts of the site more likely to be visible. Even so, the whole development would be seen against a backdrop of established development along both sides of Gisburn Road and would appear as a contained, contiguous part of the built-up area, not as an exposed or isolated development in the landscape. Moreover, as the scale, layout and appearance of the dwellings and the site landscaping are reserved for future consideration, the Council would have the opportunity to ensure the development integrates into its surroundings through appropriate design and additional planting.
19. Overall, the proposal would be adjacent to the existing built form of the village and would be read as part of it. It would effect a minor change in character to a short extent of the public footpath towards the Water Meetings, but due to its compact form and the well-screened nature of the site, the development would not be prominent in longer distance views and would not have an adverse impact on the wider landscape, including the Forest of Bowland National Landscape to the west.
20. Therefore, I conclude that the proposal would preserve the character and appearance of the area, and would accord with the requirements of Policies DM10 and DM16 of the Local Plan, which together seek high quality, beautiful and sustainable designs and expect that development proposals to respect and, wherever possible, enhance the landscape in which they are located.

Other Matters

21. Concerns are raised relating to highways matters. I note that the proposal would utilise the same access proposed for the scheme permitted on appeal in 2024, and similar conditions have been recommended. Although the proposal would potentially result in as many as 18 dwellings on the land, this would still be relatively modest in terms the level of traffic generated and I am satisfied that it would not be of such a level as to cause congestion or risk the safety of pedestrians. I have no evidence regarding the loss of on-street parking, but the proposal would be no worse than the permitted scheme in this respect. Overall, neither the evidence before me nor my observations on site suggest a significant highway safety risk that has not been addressed or that could not be managed by appropriate planning conditions.
22. Concern is raised at the effect of additional residents on local infrastructure, such as schools and medical facilities. The Council offers no commentary in these respects, but I note that Lancashire County Council has not sought a financial contribution towards education provision. Policy SP14 of the Local Plan addresses infrastructure and developer contributions but does not set specific thresholds where contributions are sought. As such, I do not have evidence to suggest that

the development would be of a scale which would materially affect the capacity of existing local infrastructure.

23. The Council has not pursued any other reason for refusal. I have had regard to other matters raised in evidence, but I have not identified any further matters that would attract material weight for or against the proposal in the overall planning balance, and therefore have not addressed them in further detail here.

Planning Balance and Conclusion

24. The starting point for decision-making is the development plan. I acknowledge that the application was made at a time when the Council's policies took a different approach to development adjacent to settlements, and the acknowledged housing supply shortfall was a further important consideration. However, the new Local Plan has since been adopted, and it is incumbent on me to determine the appeal on the basis of the development plan in force at the time of my decision.
25. The appellant does not dispute the Council's stated ability to now demonstrate a five year supply of deliverable housing sites. The Local Plan is recently adopted and up to date, with the policies most important to the determination of the application in general conformity with the Framework. As such, they attract full weight in decision-making. Therefore, the 'tilted balance' of Paragraph 11(d) of the Framework is not engaged in this case.
26. The Framework makes it clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. The importance of the spatial strategy to the overall aims of the Local Plan mean that there would be conflict with the development plan, taken as a whole. I afford very significant weight to this conflict.
27. The proposal would deliver additional dwellings which would add to the housing stock and accord with the aims of the Framework to boost the supply of housing and support the vitality of rural communities, but this would be a limited benefit in view of the modest scale of the scheme. There would also be limited economic benefits from the construction of the dwellings and from subsequent spending by future residents in the local area, which would accord with the Framework aim of supporting a prosperous rural economy. A further modest benefit would accrue were biodiversity net gain to be delivered via the standard condition.
28. I acknowledge the proximity of the proposal to the settlement and that there would not be harm to the character and appearance of the area. However, these factors do not justify downgrading the weight to be afforded to the identified conflict with the spatial strategy of the development plan when its policies have not been shown to be out-of-date due to inconsistency with the Framework or because of a failure to meet its overall housing delivery aims. To do so would undermine the primacy of the plan-led system.
29. In the overall balance, the benefits of the proposal, taken together, are not sufficient to outweigh the identified development plan conflict. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR