



Appeal Decision

Site visit made on 7 May 2002

by C A Sheppard MA RIBA MLI

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

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Date 23 MAY 2002

Appeal Ref: APP/B2355/A/01/1078878

Land opposite St Saviour's Church, Bacup

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr P J Collier against the decision of Rossendale Borough Council.
- The application ref: 14/2001/209, dated 6 June 2001, was refused by notice dated 16 July 2001.
- The development proposed is for residential property: 2 x semi-detached split level houses.

Summary of Decision: The appeal is dismissed

Procedural Matters

1. The proposal was submitted with design, means of access, external appearance and landscaping reserved for subsequent approval. Although siting was not a reserved matter, no indication of the location of the proposed dwellings within the site is provided.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding locality, having regard to prevailing local plan policy and the advice of Planning Policy Guidance Note (PPG) 3, *Housing*.

Planning Policy and Statute

3. The development plan for the area includes the Rossendale District Local Plan (RDLP), adopted in 1995. The site lies inside the urban boundary, within an area designated in the plan as Greenlands. Policy E.1 'seeks to protect and enhance the Greenlands – a comprehensive network of public and private land – within urban areas and linking with the countryside and other recreational features, where only development appropriate to the function of the Greenlands will be permitted'. Policy DC.1 requires all planning applications to be assessed against a set of criteria, which include their effect on existing trees and other natural features, and arrangements for servicing and accessing the development. Section 54a of the Town and Country Planning Act 1990 (as amended) requires me to determine the appeal in accordance with the development plan unless material considerations indicate otherwise. PPG 3, published in March 2000, provides more recent government guidance on residential development.
4. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires me to have special regard to the desirability of preserving the setting of a listed building.

The Site and its Surroundings

5. The appeal site lies directly north of the road known as New Line, opposite St Saviour's Church and the former vicarage, both grade II listed buildings dating from the mid-1860s. That part of the site close to the road contains a single storey timber building which has been used as a youth centre, while the rest slopes down steeply to an industrial estate sited on the floor of the valley to the north. Much of the site contains scrubby vegetation and a number of trees, both young and mature, which are preponderantly deciduous.

6. The site lies at the western end of a narrow strip of land designated as Greenlands which extends along the north side of New Line for a considerable distance up the hill, and includes a terrace of several houses fronting the road just east of the site. On the other side of the road, the church and vicarage are not included in a further area of Greenlands which extends across Stubbylee Park, situated at their rear.

Reasons

7. The RDLP text justifying policy E.1 stresses the importance of the Greenlands, and states that the Council will protect them from development which would detract from their open character. The examples it gives of development that may be acceptable on them do not include housing. It also indicates that many such areas, often those on steep and sometimes wooded areas within the settlement pattern, may form a significant landscape element which should be retained and where possible enhanced.
8. In summer the foliage of the trees on the appeal site screens much of the view northwards towards the town centre, while in winter the tracery of branches would filter these views and form a skyline silhouette. These trees thus seem to me to have a considerable impact on the street scene, and give the site a generally undeveloped character. The youth centre building is fully seen from the road; although not attractive, it is visually unassertive, and to my mind detracts from the open, quasi-natural character of the site to only a small degree.
9. However located on the site, it seems to me that a pair of houses would be clearly seen from the road, especially as most of the existing tree cover on the site is situated on the bank, away from the New Line road frontage, and new planting would take many years to provide any effective visual screening. The proposal would also be likely to result in the need to remove some existing trees, thus reducing the collective contribution the trees make to the street scene, as well as bringing to much of the site a developed, residential character.
10. I accept that the houses would be separated from the existing terrace by a wide gap, formed by land now in residential use at the end of the terrace, and by an access track leading to the rear of these properties. However, they would extend the development along this side of New Line, with the result, in my opinion, that this strip of Greenlands would appear to be predominantly in housing use, especially as the eastern part of the strip, beyond the terrace, is little seen from the road, being at a much lower level. Thus the present open, undeveloped character of this Greenlands strip would be considerably eroded.
11. St Saviour's Church stands on ground considerably above the road level, and is prominent when seen from the north, including from the vicinity of the town centre about 1 kilometre away. The trees on the appeal site are seen in front of, but below, the church in many of these views. In summer these trees screen the youth centre and the terraced houses to a considerable degree, and while in winter these buildings might well be more discernible, the undeveloped and wooded character of the steep slope below them would still be quite evident. As many of the mature trees in the grounds of Stubbylee Park are also seen on the skyline to either side of the church, from the north the church is seen silhouetted on the hill within an apparently woodland setting.
12. Although the proposed houses might be partially screened by any retained trees, these are deciduous, providing little screening in winter, and any eventually planted would take many years to mature. The dwellings themselves and their curtilages would therefore still, in my opinion, be likely to be clearly apparent. Such development would link the industrial estate at the foot of the site with the church and the existing terraced housing, to my mind seriously eroding the landscape contribution that the site currently makes to the more central areas of the town, and adversely affecting the present well-wooded setting of St Saviour's Church.

13. I accept that part of the site is already developed, and that the existing building is serviced. However, although PPG 3 encourages the re-use of urban, previously developed land, it also stresses the importance of quality in the environment. Indeed, paragraph 53 states that 'Developing more housing within urban areas should not mean building on urban green spaces', and paragraph 56 indicates that new housing should be considered with regard to the townscape and landscape of the wider locality.
14. I also accept that the building may not be attractive, that the site may not be in a formal recreational use, and indeed, that some parts may have been used for 'fly-tipping' or may appear derelict from close at hand. Nevertheless, these considerations seem to me insufficient to justify a proposal which I have found would harm the contribution the site makes to the street scene and to the landscape character and quality of the town.
15. Although the appellant states that the local plan is out of date, and that a new plan is being drawn up, there is no indication before me to suggest that in any future local plan the Council's 'Greenlands' strategy would be abandoned.
16. I therefore conclude on the main issue that the proposal would have a detrimental impact on the character and appearance of the surrounding locality, and would be contrary to the advice of PPG 3 and the development plan policies cited.

Other Matters.

17. I have noted with some sympathy the need for funds for cleaning up the site and for repairs to the Church, as referred to by Councillor Steen following the Council's refusal. However, I consider that this would not in itself outweigh the harm I have found to the setting of the church.
18. While the appellant states that access to the site could be taken off the existing drive serving the rear of the terraced properties adjacent to the site, no indication is provided as to how the alignment and gradients of the access between the road and the site would be achieved. Moreover, the application drawing shows that this drive lies outside the application site, and includes no indication that it is within the appellant's ownership or control. I thus consider, on the basis of the information before me, that the requirements of the RDLP policy DC.1 have not been fully complied with in this respect.

Conclusion

19. For the reasons given above and having regard to all other matters raised, including the access to the site, the footpath across it and the lack of local objections, I conclude that the appeal should be dismissed.

Formal Decision

20. In exercise of the powers transferred to me I dismiss the appeal.

Information

21. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

Charles Stewart

INSPECTOR