



Appeal Decision

Site visit made on 30 October 2007

by **B.S.Rogers** BA(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
21 November 2007

Appeal Ref: APP/B2355/A/07/2051596

Willows Farm, Goodshaw Lane, Rossendale, Lancashire BB4 8TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs C.Ainsworth against the decision of Rossendale Borough Council.
- The application Ref: 2007/283, dated 27 April 2007, was refused by notice dated 25 June 2007.
- The development proposed is change of use of agricultural buildings to livery, indoor arena, cattery and kennels, and construction of external runs.

Decision

1. I allow the appeal, and grant planning permission for the development described above, in accordance with the terms of the application, Ref: 2007/283, dated 27 April 2007, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this letter.

Main Issue

2. The main issue in this case is the adequacy of the access to serve the proposal.

Reasons

3. The appeal site is located in open countryside, around 250m east of the settlement boundary of Crawshawbooth. The site was part of Willows Farmstead and includes 2 large barns, of modern portal frame construction, together with surrounding land. Immediately to the south of the site is a 3rd large, modern barn, in separate ownership, beyond which is Willows Farmhouse and a further dwelling. Policy 5 of the adopted joint Lancashire Structure Plan and Policy C6 of the Rossendale District Local Plan support in principle the conversion of rural buildings to support employment and regeneration. The proposed use appears suitable for a rural area.
4. The appeal site gains access via Goodshaw Lane, which is in places narrow and winding; it serves a substantial number of dwellings and other uses and appears to be well used by walkers. The additional traffic generated by the proposed use, compared to that which would be likely to be generated by a resumption of the lawful agricultural use, would in my view be modest. It would be unlikely to give rise to significant additional danger or inconvenience to existing users of Goodshaw Lane.

5. The access from Goodshaw Lane is a long and rutted, unmade track. Whilst its use is difficult, this is a matter of comfort and convenience rather than impact on other highway users. Visibility at the junction of the access with Goodshaw Lane appears adequate for the proposed use, having regard to the likely modest vehicular speeds in Goodshaw Lane. I note that the Highway Authority has now withdrawn its objection to the proposal and I conclude that the access is adequate to serve the proposed use.
6. I have taken account of all other matters raised, including the question of noise from the kennels. This has been addressed by the appellants' noise assessment report, which has been accepted by the Council's Environmental Health Officer, and which concludes that the impact on the nearest dwelling, Willows Farm would be acceptable; there should be no undue impact on any dwellings further away. This conclusion is subject to certain operational measures and a condition to ensure such measures are carried out appears necessary. None of the other matters raised are sufficient to alter my conclusion that the appeal should succeed.
7. Conditions suggested by the Council include the requirement to comply with the submitted plans, which appears necessary for clarity as they have been amended. Because of the open and exposed location, I accept that it is necessary to control any means of enclosure. The condition requiring a parking/turning area is unnecessary; the existing arrangement is adequate.

B.S. Rogers

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) The development shall be carried out in accordance with plans numbered TRI-0167 1, 2, 3, 4 (Rev.A), 5, 6, TRI-0167 and the Design and Access Statement submitted with the application.
- 3) No means of enclosure shall be erected or planted on site without the prior written agreement of the local planning authority.
- 4) Prior to the commencement of the development hereby approved, a scheme detailing the management regime of the approved use, including exercising and feeding and hours of opening to the public, shall be submitted to and approved in writing by the local planning authority. The approved use shall not be operated other than in accordance with the approved scheme.