



Appeal Decision

Site visit made on 21 May 2012

by **M J Single DipTP MRTPI**

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

Decision date: 25 May 2012

Appeal Ref: APP/B2355/D/12/2173037

105 Northfield Road, Accrington, Lancashire, BB5 2DY

- 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 David Flynn against the decision of Rossendale Borough Council.
 - The application Ref 2012/0060 was refused by notice dated 21 March 2012.
 - The development proposed is described as a roof lift to existing garage to form domestic store.
-

Decision

1. The appeal is dismissed.

Main issues

2. I consider the main issues in this appeal to be:-
 - a) whether the development is inappropriate for the purposes of Government Planning Policy in the National Planning Policy Framework (NPPF) and Development Plan policy;
 - b) the effect of the development on the openness of the Green Belt; and
 - c) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not the development would be inappropriate development in the Green Belt

3. Government Green Belt policy is now set out in the NPPF. This reaffirms previous policy in Planning Policy Guidance Note 2 *Green Belts* (PPG2) that apart from certain clearly defined exceptions the construction of new buildings in the Green Belt is inappropriate. Such development is harmful by definition and should not be approved except in very special circumstances. I note that the NPPF wording in paragraph 89 differs in some respects from the previous equivalent wording in paragraph 3.6 of PPG2, which was still current when the planning application was determined by the Council. Exceptions include the extension or alteration of a building provided that it would not result in a disproportionate addition over and above the size of the original building,

whereas the previous wording specifically related to extensions to the original dwelling. The Council's interpretation of whether a proposal would be acceptable in the Green Belt is set out in its adopted Supplementary Planning Document (SPD) on Alterations and Extensions to Residential Properties. This suggests that extensions of more than 30% by volume would not normally be accepted.

4. The building in this instance is a detached stone garage that stands within the small rear garden of the property. The dwelling itself has been significantly extended, like its neighbour at no. 103, by the addition of a two storey side extension. Whilst I have not seen the decisions on those two applications the Council must clearly have come to a view that they did not constitute disproportionate extensions to the original end-of-terrace dwellings. The garage which it is now proposed to alter is close to the already extended dwelling at no. 105, but is clearly not of the same age as the original property. The proposal before me is to add a further floor to it for the purposes of domestic storage. To that extent the floor space and volume created would effectively be adding to the domestic, or the incidental, floorspace and volume of the dwelling. It could reasonably be regarded in that respect, in conjunction with previous extensions, as amounting to a further addition to the dwelling. When added to the amount whereby the original dwelling has been previously extended I have to conclude that it would result in a disproportionate addition over and above the size of the original dwelling.
5. However, having regard to the changes to the wording in NPPF, I have also considered whether the proposal would involve a disproportionate addition to this free standing garage building on its own, without considering the implications as to whether the proposal would constitute a disproportionate extension to the dwelling itself. The building is a substantially built structure of some 40 sq. metres footprint, and approximate eaves and ridge heights of 2.3 and 3.9 metres respectively. Whilst the footprint would not change as a consequence of this proposal the ridge would rise to around 5.4 metres.
6. Based on my own experience, from whichever of these alternatives I view the matter, I consider an addition of this size to the mass of the building to represent a disproportionate change in its bulk. It would substantially change the form of this domestic garage, introducing a gable window on the upper floor on the rear elevation. It would be contrary to the principles for the control of development set out in the Core Strategy Development Plan Document (DPD) and Government Guidance in the NPPF. It would be inappropriate by definition and harmful to the Green Belt.
7. This being so it is necessary for me to consider whether any other material considerations have been put forward on behalf of the appellant that would amount to very special circumstances that would clearly outweigh the harm by inappropriateness and any other harm. Prior to doing so I consider the matter of the impact of the proposal on the openness of the Green Belt.

The effect of the proposal on the openness of the Green Belt

8. Openness is one the essential characteristics of Green Belts and one of their most important attributes. It is important to safeguard its open character in this area. Northfield Road rises steeply into open countryside to the east of the A56. This south side of the road is characterised by a ribbon development consisting of two rows of six terraced dwellings with open countryside to the

north. Originally the two rows were separated by a generous gap between nos. 103 and 105, which would have afforded views from the road to the open fields, and the extensive landscape, to the south. This gap has been significantly reduced in width by the erection of the two storey side extensions at both properties. What remains of this relatively open vista is now also partially closed by the presence of the detached garage at no. 105 that it is proposed to extend.

9. To extend the garage upwards by the creation of a further floor would, in my opinion, reduce the sense of openness between the properties. Its mass would be substantially increased by the additional eaves and ridge heights and it would further harm the openness of the Green Belt. I conclude that it would conflict with the overall aims of the Core Strategy DPD to safeguard the character of the Borough and its countryside, and national planning policy in the NPPF.

Whether very special circumstances exist to outweigh any harm identified in the first two issues

10. Returning to the matter of very special circumstances the onus rests on the appellant to show why permission should be granted for development that would be inappropriate. Substantial weight is given to the harm to the Green Belt in considering applications or appeals concerning inappropriate development. Paragraph 88 of the NPPF advises that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm, are clearly outweighed by other considerations. I have indicated above that I find harm in both of these respects.
11. The main matter put forward, on behalf of the appellant, as a material consideration is a claimed fall back position whereby the appellant, if this appeal fails, could erect a storage building as permitted development under Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. The proposition before me, as shown on an illustrative drawing submitted with the planning application, is that a separate detached store building could be erected in the small rear garden of the dwelling, alongside the existing garage as long as it was kept two metres from the rear and side boundaries. There does not appear to be a Lawful Development Certificate in place to confirm that it would be possible to build such a structure as permitted development, and is not for me to come to a conclusive view on that matter in a section 78 appeal. Nevertheless, I agree with the appellant that a fall back position is a valid material consideration and I have to consider the weight that I should attribute to it.
12. The Appellant's Statement includes indications that he is serious about this as an alternative means of securing storage accommodation, and that he is in a position to do so without delay. It is not unusual for such claims to be made to add weight to a potential fall back position and I have to consider whether this is a realistic possibility, or merely a statement of what could be achieved in theory. The proposed alternative store would measure some 30 square metres and would be less than a metre from the back wall of the property which I saw contains two large living rooms, together with a porch that leads into the kitchen. The indicative drawing does not show this porch and if it was to be constructed the porch would need to be demolished. The result would be a large building occupying a substantial proportion of the available

space in the rear garden very close to main windows in the dwelling. These windows currently afford panoramic views over the low wall at the bottom of the garden across fields of livestock to the hills and countryside beyond. This would be replaced by the gable end of the store building less than a metre from the windows obstructing light and sunlight on this south facing elevation. It is difficult to imagine that the appellant would seriously wish to exchange the open aspect that is currently enjoyed for a building. In my opinion I consider this to be a theoretical exercise to which I should afford little weight.

13. I have taken into account all of the submissions on behalf of the appellant in support of the appeal, but they do not represent very special circumstances of sufficient strength to justify the granting of planning permission for development which would be both harmful by reason of inappropriateness and by its adverse impact on the openness of the Green Belt. I conclude, therefore, that very special circumstances sufficient to clearly outweigh the harm that would be caused have not been demonstrated to exist. The development would be contrary to well established national and development plan policy and be unacceptable.

Martyn Single

INSPECTOR



Appeal Decision

Site visit made on 1 May 2012

by **Kay Sheffield BA(Hons) DipTP MRTPI**

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

Decision date: 8 May 2012

Appeal Ref: APP/B2355/A/12/2168410

36 Manchester Road, Haslingden, Rossendale, BB4 5ST

- 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 Mashuk Ali against the decision of Rossendale Borough Council.
 - The application Ref 2011/0490, dated 27 April 2011, was refused by notice dated 1 December 2011.
 - The development proposed is a shop front and roller shutter.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. In refusing planning permission the Council cited Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) which has been cancelled by the National Planning Policy Framework (the Framework) published on 27 March 2012. Regard must be given to the Framework in lieu of PPS1 in the determination of the appeal. Therefore, in the interests of reaching a fair and balanced decision the parties have been given the opportunity to submit representations with regard to the Framework and those submitted have been taken into account in reaching a decision on the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the street scene.

Reasons

4. The appeal site lies on the east side of Manchester Road and is located within Haslingden Town Centre. The appeal property is a three storey mid terrace which is in use as a hot food take away at ground floor level with residential above. The neighbouring properties are also in commercial use at ground floor level. The development to which the appeal relates has already been carried out and whilst the shutter was drawn down at the time of my site visit and obstructed my view of the shop front, I am satisfied that I am able to reach a balanced decision from my observations on site and the submitted documents.
5. There is a broad range of shop fronts in the vicinity of the site in terms of the materials used and the height of the stall-risers, although the majority have large display windows with minimal stall-risers. The frontage to the appeal property contains two entrance doors either side of a central brick panel which is approximately one metre in height and topped by a window. The reduced

- area of glazing to the frontage, in contrast to neighbouring units, together with the height and materials of the brick panel form an incongruous feature, to the detriment of the character and appearance of the street scene.
6. The shutter is solid and therefore allows no views through to the shop front creating a dead rather than an active frontage. Consequently when the shutter is drawn down there is no interaction with the street which causes significant harm to the character and appearance of the area. This harm is intensified by the fact that the shutter is drawn down during the day.
 7. The appellant has indicated that the shutter has been installed on the advice of the police following attacks on the premises, which have included arson. Although it is acknowledged in the Government publication *Safer Places – The Planning System and Crime Prevention*, 2004 that roller shutters provide a high level of security, it also states that they can have a negative effect on the street scene, are susceptible to graffiti and do not reflect light in the way that windows do. It suggests that alternatives such as open grilled designs or internal shutters should be considered. Whilst it is not disputed that the premises may require protection, there is no substantive evidence that the solid external shutter is the only solution to the problem in this instance.
 8. Although the appellant has stated that he would be prepared to limit the use of the shutter to between the hours of midnight and 07.00 which may overcome some of the concerns identified, it would not outweigh the harm identified to the character and appearance of the street scene with regard to the shop front.
 9. Whilst there are other premises in the area with external shutters no details regarding their planning history have been submitted. In addition the Council has commented that enforcement investigations are ongoing in respect of other shutters in the area which may be unauthorised. In view of this, little weight can be attributed to similar developments in the area in the determination of the appeal, which has been treated on its merits
 10. The evidence therefore leads me to conclude that the development would harm the character and appearance of the street scene, contrary the guidance contained in *Safer Places – The Planning System and Crime Prevention*, the Framework and Policies 1, 23, and 24 of the Council's Core Strategy Development Plan Document, 2011 which seek to ensure developments make positive contributions which enhance their surroundings. Although the Council cited Policy EM 1 of the North West of England Plan Regional Spatial Strategy to 2021, no reasons for doing so have been given. In the absence of any identified environmental assets which the policy seeks to protect and enhance or evidence specifying the harm the development would cause to them, I have had no regard to this policy in reaching my decision.
 11. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

Kay Sheffield

INSPECTOR



Appeal Decision

Site visit made on 1 May 2012

by **Kay Sheffield BA(Hons) DipTP MRTPI**

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

Decision date: 8 May 2012

Appeal Ref: APP/B2355/A/12/2168218

6 Bacup Road, Rawtenstall, Rossendale, Lancashire, BB4 7ND

- 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 Mohammed Younis against the decision of Rossendale Borough Council.
 - The application Ref 2011/0426, dated 30 August 2011, was refused by notice dated 4 November 2011.
 - The development proposed is the installation of roller shutters to windows and door.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. In its reason for refusing planning permission the Council cited the Rossendale District Local Plan, 2001 (LP) which was replaced prior to the submission of the appeal by the Council's Core Strategy Development Plan Document (DPD). The Council also cited Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) and Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5) which were cancelled by the publication of the National Planning Policy Framework (the Framework) on 27 March 2012. In the interests of reaching a fair and balanced decision the parties have been given the opportunity to submit representations regarding the Framework and in reaching my decision I have had regard to the Framework in lieu of PPS1 and PPS5 and Policies 1, 16, 23, 24 and AVP 4 of the DPD in lieu of Policies DC1 and HP1 of the LP.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the Rawtenstall Town Centre Conservation Area.

Reasons

4. The appeal site is located in the town centre at the junction of Bacup Road and James Street and lies within the Rawtenstall Town Centre Conservation Area. The appeal property forms part of a single storey stone property which is in use as a shop. The adjoining unit is used as a taxi office and other uses in the area include funeral directors, offices, parking and the bus station.
5. The shutters and their associated guide rails and boxes have been fitted to the entrance door to the shop and its two windows. Although the shutters were retracted at the time of my site visit, I am satisfied that from my observations

- on site and the submitted details I am able to make a balanced decision on the case.
6. The building is in a relatively prominent position in the street scene and makes a positive contribution to the character and appearance of the Conservation Area. Although, due to their size, the windows are less prominent than the door, the shutters and boxes to the windows and the door are clearly seen in views of the appeal property and together they form an incongruous feature in the street scene. They also create a dead frontage to the property when the shutters are drawn down.
 7. The appellant has indicated that the shutters would only be drawn down between 22.30 and 06.00 hours or other hours as may be agreed. Although outside these times the shutters would be retracted and an active frontage would be displayed, this does not overcome the effect of the shutter boxes. Whilst the incorporation of signage on the front of the boxes helps disguise their function, it does not overcome their overall size or their dominance in the appearance of the building and the street scene.
 8. The appellant states that the building was the subject of attacks from vandals prior to its change of use from a taxi office to a newsagent and as the attacks have continued it has become necessary for the shutters to be installed. However I noted that the window to the taxi office, which is of the same proportions and located alongside those to the appeal property, did not benefit from external shutters. In addition no substantive evidence of the attacks has been submitted and I saw no evidence of vandalism or graffiti during my site visit.
 9. Although it is acknowledged in the Government publication *Safer Places – The Planning System and Crime Prevention*, 2004 that roller shutters provide a high level of security, it also states that they can have a negative effect on the street scene, are susceptible to graffiti and do not reflect light in the way that windows do. It suggests that alternatives such as open grilled designs or internal shutters should be considered. This is also reflected in the Council's Supplementary Planning Document: *Shop Front Design Guide*, 2011 which seeks to ensure that external shutters are only permitted as a last resort. Whilst it is not disputed that the premises may require protection, there is no evidence that the external shutters are the only solution to the problem.
 10. The evidence therefore leads me to conclude that the development would fail to preserve or enhance the character or appearance of the Rawtenstall Town Centre Conservation Area, contrary to the guidance contained in *Safer Places – The Planning System and Crime Prevention*, the Framework, Policies 1, 16, 23, 24 and AVP 4 of the DPD and Policies DP1-9 and EM 1 of the North West of England Plan Regional Spatial Strategy to 2021 (RSS) which seek to ensure developments make positive contributions which enhance their surroundings.
 11. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

Kay Sheffield

INSPECTOR



Appeal Decision

Site visit made on 26 June 2012

by J S Nixon BSc(Hons) DipTE CEng MICE MRTPI MCIHT

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

Decision date: 31 July 2012

Appeal Ref: APP/B2355/A/12/2168700

71 Deardengate, Haslingden, Rossendale, BB4 5SN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission under section 73A of the Act for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by MR Imran Munir against the decision of Rossendale Borough Council.
- The application Ref. No: 2011/0499, dated 12 October 2011, was refused by notice dated 14 December 2011.
- The application sought planning permission for the installation of a new shop front (retrospective).
- The condition in dispute is No2a of planning approval 2011/0013 granted planning permission on 8 March 2011:

No.2a states: Within 3-months of the date of this decision: the recently constructed external roller shutter to cover the shopfront hereby permitted shall be removed;

- The reason given for the condition is to protect the character and appearance of the building and Haslingden Town Centre, in accordance with PPS1/PPS4, Policy Em1 of the Regional Spatial Strategy for the NW of England (2008), Policies DC1/HP5 of the Rossendale District Local Plan (1995).
-

Decision

1. For the reasons given below, this appeal is dismissed.

Procedural matters

2. Reference is made in the Council's Reason for Refusal to Planning Policy Statement 1: Delivering Sustainable Development (PPS1). This has been cancelled by the National Planning Policy Framework (the Framework) published on 27 March 2012, regard to which must now be given in determining this appeal. The parties have been appraised of this situation and, in the interest of reaching a fair and balanced decision, the parties have been given the opportunity to submit representations with regard to the Framework. However, no amendments to the Appellant's grounds of appeal or the Council's statement of case have been submitted.

Main Issue

3. Having regard to the written representations and a visit to the site and surroundings, it follows that the main issue to be decided in this appeal is the effect retaining the roller shutters would have on the character and appearance of the host building and the wider street scene.

Reasons

4. The appeal site lies on the west side of Deardengate, within Haslingden Town Centre. Although the host building is not protected by any heritage designation, it is an attractive, traditionally built 2-storey stone building with a slate roof occupying a relatively prominent position in a busy street environment. While the shutter was not drawn down at the time of my visit, it has been possible to reach a balanced decision from observation and the submitted documents, plans and photographs.
5. From this information, it is clear that any devaluation of the architectural integrity of frontage of the building would be unfortunate. To an extent this has already happened with the new shop front, which the Council says is not entirely appropriate. Irrespective, any perceived harm would be compounded inordinately with the retention of the roller shutter. When closed, the shutter allows no views through to the inside of the property and reduces interaction with the street scene. It creates a 'dead' frontage. Thus, employing the shutter would detract visually from the host building and the wider street scene in a most pronounced way. This would be particularly so in the evenings and when the business is closed.
6. The frontages vary along the street, and other premises also boast roller shutters, some of similar design. However, it is not clear what planning status these have and the Council indicates that enforcement investigations are ongoing. As such, little weight can be afforded to this line of argument.
7. As for security, it is acknowledged in the Government publication "Safer Places – The Planning System and Crime Prevention, 2004" that roller shutters provide a high level of security. However, it also registers several downsides and these include their susceptibility to graffiti and their inability to reflect light. The Government advice suggests that alternatives such as open grill designs or internal shutters should be considered.
8. In this case, there is no objective evidence of break-ins, but there are recorded instances of vandalism. In the light of this, one can fully appreciate the wish to take precautions. However, it would have been more appropriate to implement these precautions when the new shop front was fitted. There can be no doubt that had Government guidance been adhered to then, a far more neutral effect on the host building and wider frontage would have been achieved. However, even though the Council has accepted the current position with respect to the shop front this is not a good reason for making a less than ideal position far worse. In fact, one might conclude that implementing protection of this kind instils a lower level of respect for the public realm.
9. In summary, retention of the roller shutter would detract visually from the character and appearance of the host building and wider street scene to an unacceptable degree. I agree with the Council that a condition limiting the time the shutter would be down would not outweigh the visual harm and would be both inconvenient for the owner and difficult for the Council to enforce. As such, this would be contrary to Government Guidance referred to above, Regional Spatial Strategy Policy EM1C, which seeks to protect our historic environment and Policies 1 and 23 of the adopted Core Strategy relating, respectively, to general development principles and promoting high quality

design and spaces. This visual harm is not outweighed by the risks of theft and social crime. Accordingly, and having taken into account all other matters raised, this appeal fails.

JS Nixon

Inspector



Appeal Decision

Site visit made on 21 May 2012

by **M J Single DipTP MRTPI**

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

Decision date: 28 May 2012

Appeal Ref: APP/B2355/D/12/2172805

8 Beechwood Drive, Rawtenstall, Lancashire, BB4 8DX

- 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 Mrs Joanna Edwards against the decision of Rossendale Borough Council.
 - The application Ref 2011/0620 was refused by notice dated 10 February 2012.
 - The development proposed is an extension above an integral garage and a single storey extension to rear of property.
-

Decision

1. The appeal is dismissed.

Main issue

2. I consider there to be one main issue in this appeal, namely the effect of the development on the street scene and the character of the area

Reasons

3. The appeal property is a detached dwelling on the south side of Beechwood Drive. It is the last of four dwellings on this side, with open land to the east. The submissions suggest that planning permission has been granted for further housing on this land, but I have not been provided with any details. It is said by the appellant that this development is unlikely to proceed because of difficulties in completing a link road elsewhere within the entire development of The Hollins Estate, but this cannot be established with any certainty with the submissions before me on the matter. The Council's second reason for refusal relates to potential overlooking of the private garden of the, as yet, unbuilt adjacent dwelling, but with the limited information I have it is not a matter to which I can ascribe significant weight, or come to a definitive view.
4. The appeal, however, hinges not on this matter but the impact of the proposal in the street scene. No. 8, like three of the dwellings opposite is a four bedroomed 'Longridge' house type with a ridged roof double garage in front of the main house facing down the steeply inclined road. Because of the rise in levels from Hollin Way, and the way in which no. 8 stands forward of the neighbouring dwellings nos. 2 to 6 the projecting garage already appears as a prominent feature in the street scene. Core Strategy Policies CS 1 and CS24 seek to ensure that new development complements and enhances the surrounding area. Whilst the existing garage appears dominant in the view from Hollin Way this is very much reduced by its setting against the hillside

rising behind the property. I acknowledge that the appellant's architect has sought, by its design, to integrate the extension with the original dwelling but it would be on such a scale above the existing garage that I do not regard it as being subservient. It would wholly dominate the street scene to the detriment of the character of the area. Whilst additions have been made above the garages of other dwellings at the end of Beechwood Drive I consider these to be different from the appeal proposal. They are of a different house type, appearing to have had a part integral garage, and are set in a group at the end of the cul-de-sac. They are not in such a prominent position and do not have the same characteristics as the appeal property.

5. I share the Council's concern at the impact the proposal would have, both on the appearance of the property and the street scene. I find that it would have an adverse effect on the street scene and the character of the area, contrary to the aspirations of the Council's Core Strategy, and would be unacceptable.

Martyn Single

INSPECTOR



Appeal Decision

Site visit made on 20 March 2012

by K Sheffield BA (Hons) DipTP MRTPI

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

Decision date: 26 March 2012

Appeal Ref: APP/B2355/D/12/2169990

9 Hargreaves Street, Haslingden, Rossendale, BB4 5RQ

- 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 Mrs Sundar Mala against the decision of Rossendale Borough Council.
 - The application Ref 2011/0578 was refused by notice dated 9 January 2012.
 - The development proposed is a two storey rear extension.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the development on the living conditions of the occupiers of 22 Chapel Street and 11 Hargreaves Street by reason of loss of light and outlook.

Reasons

3. The appeal site is located in a residential area of predominantly two storey terraced properties. The appeal property is an end of terrace with a small yard to the rear enclosed by timber fencing. Within the north west corner of the yard and adjacent to the boundary with the neighbouring property, 11 Hargreaves Street, there is a small stone outbuilding which would be demolished as part of the development.
4. A pedestrian access way runs alongside the gable end of the appeal property and separates it from the neighbouring terrace and in particular 20 and 22 Chapel Street. These properties do not have rear yard areas and as a result their rear doors and kitchen windows open directly onto the access way. The separation distance between these properties and the appeal site is approximately 3 metres. The gable end elevation of the appeal property already restricts the light and outlook to No. 20 and the proposal would result in the view from the kitchen window to No 22 being dominated by the two storey blank elevation of the proposed extension. This would not only be detrimental to the outlook from that window but would result in a significant reduction in the amount of light currently enjoyed by the occupiers of the dwelling in their use of the kitchen.
5. Although the proposed extension would be offset from the boundary with 11 Hargreaves Street by approximately 2 metres, it would create a dominant feature in the outlook from both the rear yard and the kitchen window of that property. It is acknowledged that the demolition of the existing outbuilding

would help offset the impact of the extension on the living conditions of the occupiers of No. 11, but this would not be sufficient to justify the development. In addition, the location of the extension to the south of No. 11 would affect the amount of light, particularly sunlight, currently enjoyed by the occupiers of the dwelling in their use of the yard and the kitchen.

6. Whilst the kitchens to both 22 Chapel Street and 11 Hargreaves Street are served by windows situated in the rear elevations of the dwellings, they form part of a larger room which also has a window situated in the front elevation. Whilst light from the window in the front elevation may help compensate for the loss of light to the kitchen windows caused by the extension, it would not be sufficient to overcome the significant reduction in natural light or the concerns regarding outlook.
7. This leads me to conclude that the proposed extension would be detrimental to the living conditions of the occupiers of 22 Chapel Street and 11 Hargreaves Street by reason of loss of light and outlook, contrary to Policies D1 - 9 and EM1 of the North West of England Plan Regional Spatial Strategy to 2021, Policies 1, 23 and 24 of the Bolton Core Strategy Development Plan Document: *The Way Forward* (2011-2026), 2011 and the Council's Supplementary Planning Document: Alterations and Extensions to Residential Properties, 2008 which all seek to protect the living conditions of local residents.
8. It is acknowledged that the area has been developed to a high density and the restricted separation distances between the appeal site and 20 and 22 Chapel Street was a feature of the original layout which has resulted in the outlook and light enjoyed by No. 20 being severely restricted. However, this does not justify the extension which would have a similar effect on the rear elevation of No. 22 and reduce still further the outlook and light to No. 20.
9. For these reasons, and having had regard to all other matters raised, the appeal is dismissed.

Kay Sheffield

INSPECTOR



Appeal Decision

Site visit made on 10 July 2012

by Stuart Hall BA(Hons) DipTP FRTPI MCIHT

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

Decision date: 1 August 2012

Appeal Ref: APP/B2355/A/12/2172841

Land off Back Lane, off Belgrave Street, Rising Bridge, Rossendale

- 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 P Canavan against the decision of Rossendale Borough Council.
 - The application Ref 2011/0564, dated 14 November 2011, was refused by notice dated 6 March 2012.
 - The development proposed is a stable block.
-

Decision

1. The appeal is dismissed.

Main Issues

2. There are four main issues in this appeal. The first is whether the proposal would comprise inappropriate development in the Green Belt for the purposes of *National Planning Policy Framework* (NPPF). The others are: its effects on the openness of the Green Belt; its effects on the character and appearance of its countryside surroundings; and, if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

3. Initially, the Council considered the scheme with reference to *Planning Policy Guidance: Green Belts* (PPG2), now replaced by the NPPF which gives a revised definition of inappropriate development. It states at paragraph 89 that with certain exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. One exception relates to appropriate facilities for outdoor sport and recreation provided, among other things, that openness of the Green Belt would be preserved. When the Council granted planning permission for two stables on the site in 2010 (*ref: 2010/0497*), the then current PPG2 stated that small stables were among possible examples of acceptable development.
-

4. No such examples are given in the NPPF. In any event, the proposed stable block cannot reasonably be described as small. As I explain below, it is significantly larger than the 2010 scheme. The substantial volume of the proposed L-shaped structure, stated on the appellant's behalf to have a ridge height of 4 metres (m) and a gross external floor area of some 118 square m, would erode openness. Therefore, I conclude that it would comprise inappropriate development. The NPPF also states, at paragraph 87, that such development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Those circumstances will not exist unless the sum of harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations (paragraph 88).

Openness

5. The extent of the loss of openness is moderated when account is taken of the fall-back position which, it is agreed, is represented by the 2010/0497 permission. The large scale approved plan 2010/24-03A shows an example of the type of stable available, stating that the Council's further approval should be obtained for the exact type to be used. Therefore, the approved site plan 2010/24-02A, showing the proposed positions of two larger structures, appears to reflect that fall-back position. No measurements are given on that plan, and it is not clear how evidence purporting to demonstrate the similar sizes of the approved and appeal schemes has been derived. However, whilst the scales of the plans are not the same, the plans do make it clear that the proportion of the site that would be occupied is substantially greater in the appeal scheme.
6. Though the site is located in upland countryside with uninterrupted long-range views, it also adjoins two other holdings containing a mix of sheds, stables and metal containers. Seen from a distance, for example from the public right of way that passes close by, the presence of this group of structures would restrict the impact that the stable would have on the perception of harm to openness. The removal of steel containers that the block would replace would have a similar effect. Even so, limited harm is not a positive factor in favour of the scheme. Taking into account that openness is an essential characteristic of Green Belts (paragraph 79 of the NPPF), the harm that would be caused carries significant weight.

Character and appearance

7. Though the appeal site plan shows a stone wall on the western edge of the site, that boundary is now marked by a wooden fence between concrete posts, evidently recently erected, which would largely shield the stable block from exposed views from the west. Further posts indicate an intention to enclose the whole site. However, the fence is above 2 m in height in parts and does not have planning permission. Therefore, I discount its presence in relation to this issue. I do take into account that the removal of the steel containers and a caravan, the planning status of which is in dispute, could be ensured by a planning condition were the appeal to succeed.
8. The stables would be built in rendered blockwork, painted cream, with a natural blue slate roof. Viewed in isolation, its appearance would be an improvement on that of the structures it would replace, and the dilapidated structures on the adjoining holding. Viewed in context it would contrast sharply with the

subdued tones of those other structures, and would do more to draw the eye to the group from distant viewpoints in the open countryside. Though it is submitted that the proposed materials are used elsewhere, no examples were apparent in the extensive vistas in the vicinity. However, a different choice of finish colour and a carefully designed tree planting scheme, both acceptable to the appellant, may well sufficiently mitigate the long term visual impact.

9. Weighing these considerations in the balance, I am not persuaded that, beyond the loss of openness, the scheme need have a materially harmful effect on the character and appearance of its countryside surroundings, in conflict with those development plan policies brought to my attention and relevant to this issue. Even so, lack of material harm is a neutral effect. Therefore, it does not attract significant weight in the scheme's favour.

Other considerations

10. NPPF paragraph 14 explains that the presumption in favour of sustainable development means granting permission where the development plan is silent or out of date, unless adverse impacts would significantly and demonstrably outweigh the benefits or NPPF policies indicate development should be restricted. In this case, Policy 1 of the Council's *Core Strategy Development Plan Document (CS)*, adopted in 2011, is timeless in that it states that proposals should be determined in accordance with relevant national and local guidance. The NPPF does not render out of date the aims of CS Policies 23 and 24 in relation to high quality design compatible with its surroundings. NPPF Green Belts policy is restrictive. For these reasons, the presumption does not override other matters in this case.
11. Whilst paragraph 81 of the NPPF encourages local planning authorities to provide opportunities for outdoor sport and recreation in Green Belts, the second bullet point in paragraph 89 makes clear that this should not be at the expense of openness. Though the principle of stabling on the site was accepted in the approval of the 2010 scheme, I explain above the material difference between the two schemes in relation to openness. Though the Council also objects to manure storage proposals, it is acknowledged that similar facilities would be required were the 2010 permission to be implemented.

Overall conclusion

12. Taken together with my conclusion on character and appearance and with all other matters raised, these other considerations do not clearly outweigh the harm identified in relation to inappropriateness and loss of openness. It follows, having regard to NPPF paragraphs 87 and 88, that the very special circumstances necessary to justify the proposed development do not exist. Therefore, the appeal does not succeed.

Stuart Hall

INSPECTOR



Appeal Decision

Inquiry held on 6 March 2012

Site visit made on 6 March 2012

by D L Burrows DipTP MRTPI

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

Decision date: 19 March 2012

Appeal Ref: APP/B2355/A/11/2159598

Land at Holcombe Road, Helmshore, Rossendale BB4 4NB

- 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 Mark Calvert/Mr Richard Lever, Taylor Wimpey/Urban Regen against the decision of Rossendale Borough Council.
 - The application Ref 2011/0046, dated 25 January 2011, was refused by notice dated 20 July 2011.
 - The development proposed is a change of use from an existing derelict warehouse to a residential development consisting of 74 dwellings made up of 2 bedroom apartments and 2, 3 and 4 bedroom houses.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from an existing derelict warehouse to a residential development consisting of 74 dwellings made up of 2 bedroom apartments and 2, 3 and 4 bedroom houses on land at Holcombe Road, Helmshore, Rossendale BB4 4NB in accordance with the terms of the application, Ref 2011/0046, dated 25 January 2011, subject to the conditions set out in the schedule attached to this decision.

Application for costs

2. At the inquiry an application for costs was made by Taylor Wimpey and Urban Regen against Rossendale Borough Council. This application is the subject of a separate decision.

Background/Clarifications

3. During the Council's consideration of the proposal various amendments were made to the scheme as originally proposed and a number of plans were superseded by the time the application was refused. The Council's decision was based on the amended plans.
4. The day before the inquiry the appellants sought to make further minor changes to the development. The changes relate to the substitution of 4 dwellings in the centre of the site. The alterations do not affect the number or nature of the houses. The four units would remain a pair of semi-detached and 2 detached houses. The layout would also remain the same. Given these circumstances it seems to me that consideration of these additional amendments would not prejudice the interests of any party. The plans are numbered 02-01K and 10082(PI)115, 116, 250A, 260. As a consequence the

conclusions below are based on the development proposed at the time of the Council's decision as changed by the 5 plans listed above.

5. By the time of the inquiry the Council had withdrawn its reasons for refusal and did not oppose the granting of planning permission for the development. It produced no evidence against the proposal and only participated in the inquiry proceedings to provide factual information and discuss conditions and the s106 undertaking provided by the appellant. During the course of the Council's determination of the proposal letters objecting to the scheme were received from members of the public. There were more written representations in response to the inquiry notifications and at the inquiry itself concerns about the development were also expressed by a number of local people. These have all been taken into account in reaching the conclusions below.

Main issue

6. Given the circumstances of the appeal, it seems to me that the main issue to consider is whether the proposal accords with national and development plan policies which seek to promote sustainable development including matters such as the principle of the development and the effects of it on the character, appearance and services of Helmshore.

Reasons

7. The development plan consists of the North West of England Plan Regional Spatial Strategy to 2021 (RSS) and the Rossendale Core Strategy Development Plan Document 2011-2026 (CS) together with the amended proposals map November 2011. I note that insofar as the main issue in this appeal is concerned there is no fundamental conflict between RSS and national policy.
8. Whilst the A56/M66 corridor is rural in character it is straddled by substantial settlements. Helmshore lies to the west of the A56 dual carriageway which separates it from Haslingden which is mostly to the east of the A road. Helmshore contains a range of housing and employment opportunities and an assortment of local facilities and services. On the amended proposals map it is shown within the settlement boundary. It is a large, vacant and somewhat neglected rectangular piece of land with a 2 storey brick office building at the front, facing Holcombe Road and a smaller warehouse/workshop building along the rear (eastern) boundary.
9. The principle of development - The site lies on the western limits of the built up area in the valley adjacent to the Ogden river. The land rises to the east to what appears to be the centre of the settlement at the roundabout crossroads of Helmshore Road and Gregory Fold/Broadway with its shops and schools nearby. There is a convenient footpath to the north of the site linking the site to Gregory Fold. It is only a short 5-10 minute walk to the shops/primary schools. The National Cycle Route 6 adjacent to the eastern boundary of the site means journeys by bicycle are also convenient. Access to these facilities by road is, however, rather more circuitous. It involves travelling south on Holcombe Road before turning north at the B6214 Helmshore Road.
10. For a short stretch the footpath to Gregory Fold is rather steep and this would discourage journeys on foot to the shops/schools by some people who are either unable or unwilling to tackle the slope. However there is also a shop along Holcombe Road which can be reached without any steep inclines and the No.11 bus would provide access by public transport (a couple of minutes ride)

to those facilities on higher ground and also to the wider bus network operating along Broadway and Helmsshore Road.

11. In addition, information provided by the appellants indicates a range of services/employment is available within easy reach of the appeal site which can be accessed by a variety of means of transport and those which are not, such as health facilities and a supermarket are within a reasonable travel distance in Haslingden. It has been said that health facilities and the like are oversubscribed, but no empirical evidence was submitted to the inquiry to substantiate that view.
12. The Council's Interim Housing Policy 2010 encourages the provision of housing within the defined urban area of Haslingden (which includes the appeal site) if, amongst other things, the development would reuse brownfield land, would contribute to affordable housing and would be built at an appropriate density. The appeal scheme satisfies these criteria. It uses previously developed land and would provide 15 affordable units and would have a density of 34dph.
13. The combination of the above leads to the conclusion that because the site is a brownfield one within the built up area which has reasonable access to a variety of goods and services by different modes of transport, its redevelopment would, in principle be, acceptable for residential development. The proposal would therefore be in accord with the objectives of national policy guidance in particular PPS 1: Delivering Sustainable Development and PPS3: Housing, development plan policies RSS policies DP1, DP4, DP5 and L5, CS policies 1, 3 and 4 and the Council's Interim Housing Policy 2010. In reaching this view I have taken account of the frequency of buses and their routes.
14. Education provision - The Council's second reason for refusal related to the predicted shortage of primary school places to serve the proposed development. The full correspondence between the parties in respect of education provision was not provided to the inquiry. However it appears that the situation in respect of school places changed during the Council's dealings with the application. Briefly, before the application was submitted it was not considered there would be a shortage, but by the time of the decision a shortfall had been identified and financial contributions to assist in their provision were sought, whilst after submission of the appeal further information indicated there would be no shortfall. As a result of these circumstances the reason for refusal was withdrawn.
15. At the inquiry it was still the view of some parties that there would be a problem with accommodating children from the development in local schools. However there was no substantive evidence from any party to seriously challenge the County Council's figures/conclusions that spaces would be available.
16. Evidence was submitted by the appellants which sought to demonstrate that the County Council's figures were flawed and at no time would there have been a shortfall. However by the time of the inquiry there was no longer an issue. By whatever means both parties had reached the conclusion that there would not be a shortfall of spaces. No detailed information from the County Council was available at the inquiry itself to indicate how it had arrived at this conclusion. As a result it is not possible to come to any meaningful conclusion about whether its methodology was flawed. Nor in my view is it necessary to do this, given the agreement by the parties that there would not be a problem

in relation to the availability of school places. From the information before me I am satisfied that the proposal would not overburden the education system by the demand for primary school places and would accord with RSS policy L1.

17. Employment land – The appeal site is shown as an existing employment area on the proposals map. In order to foster the economy, amongst other things, CS policy 10 seeks to safeguard/encourage the reuse of existing employment sites. The policy sets out criteria which must be met to justify the loss of existing sites. I am told that the appeal site has been vacant and/or marketed for about 8 years. In that time there has been some interest shown in developing the site, but nothing has come to fruition. A 2006 application (2006/17) for residential, industrial and commercial development was approved, but was not proceeded with.
18. Evidence provided by the appellant demonstrates why the site has and will continue to prove unattractive to the market for employment purposes. It is in a poor location both in terms of surrounding uses and distance from the main arterial roads in the locality. There is also ample other, better located land available. The Rossendale Employment Land Study 2009 commissioned by the Council generally supports the appellants' findings. At paragraph 9.19 it recognises that the appeal site has limited market attractiveness and recommends that a flexible approach to redevelopment for various uses including residential (paragraph 9.22).
19. From the information before me I see no reason to differ from the tenor of views expressed in the various reports. I appreciate that a number of residents believe the land could be put to a variety of other uses, but I have seen no information which supports the view that there is either serious interest in such uses or that they would be financially viable on the appeal site. I am satisfied that the loss of the site for employment purposes would generally meet the criteria in CS policy 10 and the objectives of RSS policies DP1, DP4 and W3 and those in PPS3 and PPS4: Planning for Sustainable Economic Growth.
20. Character and appearance - Holcombe Road is characterised by variety. There are strong reminders of the industrial heritage of the area with the Textile Museum (which is a listed building) to the north of the appeal site and the rows of stone terrace houses set at back of pavement or built very close to the road. These houses are interspersed with more modern residential units and there are former mills and other commercial/industrial units scattered along the roadside. The buildings vary in height and number of storeys and the external materials extend from stone, through brick to render. The building at the appeal site is of no particular merit, but the river frontage fringed by vegetation is a major positive factor in the street scene which links into the open landscaped land to the north around the museum.
21. To the south of the site, at the southern end of 352-374 Holcombe Road, the riverside with its greenery is again clearly seen from Holcombe Road and Station Road. There is a green corridor on all sides of the appeal site and this would remain. The footpath/cycleway to the east of the river loops round the southern and eastern sides of the site linking into the footpath from Holcombe Road to Gregory Fold.
22. The appeal scheme would retain and enhance the river frontage. Behind the frontage landscape, instead of an office building and car park would be

detached, semi-detached and terraced houses. They would generally face Holcombe Road and be served by a combination of minor pedestrian/vehicular accesses, not the main estate road. The houses would be primarily faced in artstone with the terrace of 5 properties at right angles to the road built in brick. In my view the public perception of the scheme would be of a modern development which reflects aspects of the existing built form without slavishly mirroring the existing properties in the locality. Along the north, south and eastern boundaries, with the exception of 3 units there would be garden/green areas between the properties and the boundaries. Moreover, the raised footpath/wooded slope to the east of the site would remain.

23. The proposal would undoubtedly change the appearance of the locality and I acknowledge that some of the views across the site would be lost. However I do not believe the changes proposed would result in a degree of change which would materially harm the visual amenity of the area.
24. It has been suggested that the proposal would result in overdevelopment of the site, but the proposed density would be 34 units per hectare. This would be an acceptable compromise between seeking to make the most efficient use of land which is required by policy at all levels whilst remaining sympathetic to the character and appearance of the locality. It is evident from the numbers and ages of properties that Helmsore has over the years become accustomed to new development. It is a relatively large settlement which to my mind can satisfactorily absorb the proposed number of units, even when taking into account the recent building which has taken place. There is no substantive evidence which demonstrates that the proposed development would fundamentally change the character of the settlement. It would replace employment use with residential, but the information before the inquiry indicates that the likelihood of redevelopment or reuse for employment purposes would be extremely remote. The combination of the above leads to the conclusion that the proposal would be in accord with the objectives of PPS1 and PPS3, RSS policies DP2, DP7 and EM3 and CS policy 23 in this respect.
25. Living conditions - The proposed layout would meet the Council's standards for space about buildings and would have an acceptable relationship with neighbours. I have looked in particular at 300 Holcombe Road. The front of this property faces south along Holcombe Road. Its garden abuts the footpath to Gregory Fold. Whilst there would be residential units to the south of the footpath, they would be set much further away from Holcombe Road. There would be no direct overlooking and the eastern elevation of the proposed block would have no openings. Given the separation, design and orientation of the existing house and the proposed units, I do not consider there would be an unacceptable impact in terms of privacy, light or overbearing impact between neighbours.
26. Similarly the existing properties to the east and south of the appeal site are at a higher level. The significant difference in ground levels between them and the proposed units, together with the rear boundary treatment of the existing properties would ensure a satisfactory relationship with these dwellings. The backs of the houses in the terrace numbered 352-374 Holcombe Road look out over the appeal site across the river Ogden. In terms of the Council's standards the separation between the new dwellings and the existing houses would be tight. However, there would only be 3 new units behind the terrace. And whilst the house to the north and south would front the backs of the

existing houses, they would only partially overlap the terrace and there would be the river in between. The middle unit would only have a side gable facing the terrace. There would also be large gaps between the new dwellings. Given these circumstances I do not consider the proposal would have an unacceptable impact on the living conditions of these residents. I find the proposal would comply with the objectives of CS policy 24.

27. Highways - Holcombe Road (B6235) is a minor road running from north to south and linking to Helmshore Road (B6214) in the south and Grane Road (B6232) in the north. The appellants carried out a traffic survey for 3 days in November 2011 which indicates that even in the peak hours (08.00-09.00 hours and 17.00-18.00 hours) the two way traffic flow on Holcombe Road was in the region of 350 vehicles. This is a relatively low level of traffic for a road of the nature of Holcombe Road. And given that the estimated number of trips generated by a development of 74 houses would add in the region of some 45-50 additional vehicles in the peak periods, the total usage of the road would remain relatively low.
28. Concerns have been raised about the impact of additional traffic on the junctions of Holcombe Road with the B6214 and the B6232. I do not doubt that at peak times it can be difficult to make turning movements at these junctions. However, it is not uncommon to have queues at junctions at peak times. The accident statistics for the past 5 years provided by the appellants indicate that there were 4 accidents at the Grane Road/Holcombe Road junction within that period. Three of them involved cars where the injuries were recorded as slight and the fourth a single pedal cyclist where the injuries were serious. There was also anecdotal evidence of an accident along Grane Road which involved a fatality in the summer months of last year, but no details were available as to the exact location or what vehicles were involved.
29. At the junction with the B6214 there were 2 accidents recorded, 1 involved 2 cars and 1 involved 1 car. In both the injuries were recorded as slight. I do not doubt that there have also been a number of bumps and scrapes which have gone unrecorded within that period. It is a matter of fact that there is always the potential for accidents when travelling by car and that at junctions when drivers have to exercise a degree of judgement there is room for human error, even when all relevant standards of road configuration are met.
30. I have also looked at the location of and the sight lines at the entrance to the appeal site together with its proximity to the drive at 352 Holcombe Road. Manual For Streets 2 recognises that whilst the Y distance at a junction should be based on the stopping sight distance, unless there is local evidence to the contrary, and a reduction in visibility below the recommended levels would not necessarily lead to significant problems. There is therefore flexibility in what is considered satisfactory visibility for drivers.
31. I saw at my visits that unrestricted on-street parking in the locality at times obscures visibility for some drivers when joining Holcombe Road. The vicinity is therefore one where visibility is already restricted for motorists and the accident statistics show it has not resulted in a high risk of collisions. It is the intention, as part of the development, to secure the restriction of on-street parking to both the north and south of the site entrance and this would ensure sight lines were not obscured by parked cars. Moreover in this case Lancashire County Council, as highway authority, were consulted on the development and they had no objections to the proposals in terms of highway safety. From my

- inspections of the site and the nearby road junctions at different times of day, the present and predicted traffic flows together with the recorded accident statistics, I am satisfied that approval of the proposal would not result in material harm to highway safety.
32. The proposal would therefore accord with the objectives of PPG13: Transport, RSS policies RT1, RT2 and RT4, and CS policy C8. I note that the proposed use would generate less traffic than the former offices and the previously permitted mixed use scheme.
33. Other material considerations - I acknowledge that a previous appeal on the site for a mixed use office and residential development was dismissed in 2004, but from reading that decision it appears that the situation has changed somewhat since then. In particular, in the present appeal, the site has been vacant for 8 years, there is no uncertainty about the bus services nor is there any suggestion that the proposal would add unnecessarily to the short term supply of housing land. Moreover it has been demonstrated that the site is unattractive and poorly located for employment uses and that there is ample better located land available.
34. I am required to assess the merits of the scheme before me, that is, whether or not the proposed development is acceptable in planning terms. My remit cannot include making a judgement on vague/non-specific alternative schemes which take account of individuals' preferences for different housing layouts/lower density nor any scheme which is not before me for determination. A number of other concerns raised about land contamination, drainage/flooding and the like could be addressed by appropriate conditions. There have been no objections from the Environment Agency on these counts. Similarly the provision sufficient/adequate open space, improvements to cycle, walkways and bus facilities, ensuring safe visibility at the access and providing affordable housing is dealt with by the legal undertaking provided by the appellant. As a consequence these matters would not preclude approval of the proposal. Factors such as the impact on property values are not planning matters.
35. The Council suggested a number of conditions which for the most part were agreed by the appellant in principle before the inquiry. I have looked at and amended those conditions in the light of Circular 11/95. I consider them all to be necessary apart from removing permitted development rights to convert garages into ancillary domestic accommodation. It is not necessary because alternative parking would be generally available at properties and any on-street parking would be likely to be within the confines of the estate. It would not cause congestion or impede the free flow of traffic on Holcombe Road.
36. For the avoidance of doubt it is necessary to specify the approved plans. Approval of materials would be in the interests of visual amenity, as would the protection of retained trees, implementation of the landscaping scheme and a riverside buffer together with details of future management including the treatment of Japanese knotweed. Site investigations and remediation of possible sources of land contamination would safeguard public health and approval of floor/ground levels together with surface water details would reduce the risk of flooding. Provision of parking and a satisfactory standard of road/footpath construction would be necessary in the interests of highway safety and orderly site development, as would the provision of suitable wheel washing facilities during construction. Improvements to the footpath/cycleway

- on the eastern boundary of the site, together with a travel plan will encourage travel by sustainable means of transport.
37. The provision of a fish pass would protect and enhance ecological interests and bat activity surveys would ensure the development did not harm this protected species. Providing for an element of renewable energy/reduction in energy consumption within the scheme would be in the interests of sustainable development, whilst restricting the hours of use would safeguard the living conditions of neighbours.
38. The appellants have produced a s106 unilateral undertaking dealing with various matters. Such undertakings must be necessary to make a development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. CS policy 22 sets out the types of matters which are likely to be included in an undertaking when there is an acknowledged deficiency or improvements need to be made. It also says that where the proposals involve the development of previously developed land, only those contributions deemed essential to help deliver the site and/or provide benefits to the immediate community. Guidance on such matters is set out in a variety of documents including the County Council's Planning Obligations in Lancashire Policy (updated September 2008) and the Council's Open Space and Play Equipment Contributions SPD 2008.
39. In terms of encouraging sustainable travel and highway safety, the s106 undertaking includes provision for the upgrading of the bus stop (providing a shelter) outside the appeal site together with a contribution towards its future maintenance, a contribution towards the running of the No.11 bus and a contribution towards a traffic regulation order to limited on-street parking near the access to accord with the objectives of CS policies 1 and 9; the provision of 15 affordable housing units to meet the requirements of the Council's Interim Housing Policy Statement 2010 and CS policy 4; and a contribution towards the provision of open space commensurate with the scale of the development. I am told the expenditure would be used in Helmshore in accord with the Council's open space strategy. I consider the provisions of the s106 are necessary to meet the requirements of planning policy, directly related to the development and commensurate in scale.
40. Conclusion – I have taken account of all the other matters raised including wildlife interests and the appellants' conclusions on the 5 year supply of housing land. I note in respect of the latter that the issue of oversupply of housing land was not raised as an issue by the Council either in its reasons for refusal or its inquiry statement. When taken together none change the overall conclusion that the proposal would, subject to appropriate conditions and the s106 undertaking, be acceptable and would meet the general requirements of national and development plan policies in so far as they seek to encourage sustainable development, ensure the infrastructure of an area is not overburdened, and protect interests of acknowledged importance such as the character and appearance of an area, the living conditions of neighbours and the like. I shall allow the appeal.

D L Burrows

INSPECTOR

APPEARANCES

Rossendale Borough Council did not oppose the granting of planning permission. The extent of its participation in the inquiry was limited and it set out below.

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Leader	Counsel (in relation to the session on conditions /s106 undertaking and to respond to the costs application)
Mr S Stray	Planning Manager Rossendale BC (in relation to the conditions/s106 undertaking)
Ms C Ridge	Assistant Planner Rossendale BC (in relation to the conditions/s106 undertaking)

FOR THE APPELLANT:

Mr P Village	Queens Counsel
He called	
Mr B O’Herlily	Preston O’Herlily
Mr C Self	CSa Environmental Planning
Mr D Boswell	David Boswell and Associates Ltd
Mr R Barton	HOW Planning LLP

INTERESTED PERSONS:

Mr D Williams	Local resident
Mr A Woods	Local resident
Mrs G Garriff	Local resident
Mr J McManus	Local resident
County Councillor P Evans	Lancashire County Councillor

DOCUMENTS

- 1 Attendance list
- 2 Notifications of inquiry 29 December 2011 and 19 January 2012
- 3 Planning Obligations in Lancashire Policy
- 4 Open Space and Play Equipment Contributions SPD
- 5 Breakdown of transport contributions requested by RBC
- 6 5 March 2012 HOW letter to RBC requested plan amendments and new condition
- 7 S106 undertaking
- 8 Mr Williams email 8 February 2012
- 9 Emails submitted with RBCs response to costs application
- 10 Papers submitted with appellant’s final submissions on costs application
- 11 RBC response to costs application

PLANS

- A 5 plans submitted with 5 March 2012 HOW letter 02-01K, 10082(PI)115, 116, 250A and 260A

**SCHEDULE OF CONDITIONS for planning permission
APP/B2355/A/11/2159598**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the annex attached to this permission.
3. Notwithstanding the details shown on the approved plans and prior to development commencing, samples of the facing materials to be used in the construction of the external elevations and roofs of the buildings/walls hereby permitted shall be submitted to and approved in writing by the local planning authority. The buildings/walls shall be constructed using the approved materials.
4. No development shall take place until a site investigation of the nature and extent of contamination of the site has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The methodology shall incorporate measures for a verification plan to validate all aspects of the remediation works. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site (including timing of works) to render it suitable for the development permitted shall be submitted to and approved in writing by the local planning authority before development begins. The site shall be remediated in accordance with the approved measures. If, during the course of development, any contamination is found which has not been identified in the site investigation, construction/development works on the contaminated area shall cease until such time as additional measures (including timing of works) for the remediation of this source of contamination have been submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
5. No development shall take place until details of the proposed floor and ground levels have been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved floor/ground level details.
6. No development shall take place until details of the drainage of the site have been submitted to and approved in writing by the local planning authority. The submitted details shall include a surface water regulation system and a separate foul water system. The development shall be carried out and completed in accordance with in accordance with the timing of provision included in the approved drainage details.
7. Prior to occupation of any dwelling the associated drive and/or parking space(s) to serve it shall be surfaced with a hard permeable material and shall thereafter be kept available for the parking of vehicles.
8. Development shall not commence until details of the estate roads construction and improvement of the bridge crossing of the river Ogden to a standard to enable them to be adopted by Lancashire County Council have been submitted to and approved in writing by the local planning authority.

- The submitted details shall include the timing of the proposed road works. The works shall be carried out in accordance with the approved details.
9. Development shall not commence until details of improvement works to the footpath situated adjacent to the northern boundary of the site have been submitted to and approved in writing by the local planning authority. The approved works shall be completed prior to occupation of the first dwelling.
 10. Prior to the occupation of the first dwelling hereby permitted, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented, updated and audited in accordance with the approved details.
 11. Development shall not commence until all the trees within or overhanging the site (with the exception of those trees clearly shown to be felled on approved plans c-673-01 and 02) have been protected in accordance with tree protection measures which have been previously submitted to and approved in writing by the local planning authority. The approved measures shall remain until the development is complete and no work, including any form of drainage or storage of materials, earth or top soil shall take place within those areas unless first approved in writing by the local planning authority.
 12. A programme for the implementation of the approved landscaping scheme (including fences, walls, gates and hardstandings) shall be submitted to and approved in writing by the local planning authority before development commences. The approved programme shall be implemented concurrently with the development. Any trees or shrubs removed, dying or becoming severely damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of similar size or species to those originally required to be planted, unless the local planning authority has agreed otherwise in writing.
 13. Development shall not commence until details of a buffer zone alongside the river Ogden have been submitted to and approved by the local planning authority. The details shall include a schedule of works and their timing, a detailed method statement for the removal and long term management/eradication of Japanese knotweed and a riparian management plan. The riverside buffer shall be provided and managed in accordance with the approved details.
 14. Development shall not commence until details of a new fish pass (as identified on approved plan 02-01K) have been approved in writing by the local planning authority. The details shall include long term management and maintenance schedules, together with a programme for construction of the pass. The development shall be carried out in accordance with the approved details.
 15. Prior to the demolition of the existing buildings on the site a bat activity survey shall have been carried out between May and October and the results of the survey provided to the local planning authority. If signs of bats are found, details of demolition including timing of such works shall be submitted to and approved in writing by the local planning authority. Demolition shall take place in accordance with the approved details.

16. Development shall not commence until details of the facilities within the development to provide for 10% of total energy usage from renewable sources or a 10% reduction in energy usage through energy efficiency measures, or a combination of the two have been submitted to and approved by the local planning authority. The details shall include the timing of the provision of these measures. The development shall be implemented in accordance with the approved details.
17. Prior to the commencement of demolition, remediation and/or construction works, facilities for the washing/cleaning of the wheels of vehicles using the site shall be provided and maintained on the site until the development is complete.
18. Demolition, remediation and/or construction works in connection with the development hereby permitted shall only take place only between 07.00 to 19.00 hours Mondays to Fridays, 08.00 to 13.00 hours on Saturdays and at no time on Sundays, public or bank holidays.

ANNEX

approved plans

1. Site plan 10082(PI)010
2. Planning Layout 02-01K
3. Massing diagram 10082(PI)020
4. Gable detail diagram 10082(PI)021A
5. Materials, fencing and bin store diagram 10082(PI)030A
6. Survey of existing TPO trees c-673-01
7. Tree protection and special construction details c-673-02
8. Soft landscaping proposals c-673-03
9. Typical bin store detail BST-01
10. Plans D1227V-WD 10082(PI)101
11. Plans D1251-WD 10082(PI)102
12. Plans D1216-WD 10082(PI)103
13. Plans AA22 10082(PI)104
14. Plans AA31 10082(PI)105
15. Plans AB41 10082(PI)106
16. Plans PA32M 10082(PI)107
17. Plans PA34 10082(PI) 108
18. Plans PA42 10082(PI)109
19. Plans PD41 10082(PI)111
20. Plans PD43 10082(PI)112
21. Plans H908 10082(PI)114

22. Plans H1089 10082(PI)115
23. Plans PD41 10082(PI)116
24. Elevations AA22 Art Stone River 10082(PI)201
25. Amended elevations AA22 Brick 10082(PI)202D
26. Amended elevations AA31 Brick 10082(PI)203D
27. Amended elevations AB41 Brick 10082(PI)204D
28. Amended elevations D1227V-WD Art Stone 10082(PI)205B
29. Amended elevations D1227V-WD Art Stone River 10082(PI)206B
30. Amended elevations D1227V-WD Brick 10082(PI)207D
31. Amended elevations D1251-WD Art Stone River 10082(PI)208B
32. Amended elevations D1251-WD Brick 0082(PI)209D
33. Amended elevations H908 Art Stone 10082(PI)210A
34. Amended elevations H1216-WD Brick 10082(PI)211C
35. Amended elevations H1216-WD Brick 10082(PI)212A
36. Amended elevations PA32M Art Stone River 10082(PI)213A
37. Amended elevations PA32 Art Stone River 10082(PI)214A
38. Amended elevations PA32 Brick 10082(PI)215D
39. Amended elevations PB32 Brick 10082(PI)217C
40. Amended elevations PS 32 Brick 10082(PI)218A
41. Amended elevations PD41 Art Stone 10082(PI)219A
42. Amended elevations PD43 Art Stone 10082(PI)220A
43. Amended elevations PD43 Brick 10082(PI)221C
44. Amended elevations PD46 Art Stone River 10082(PI)223A
45. Amended elevations PD46 Brick 10082(PI)224D
46. Amended elevations H1089 Art Stone 10082(PI)250A
47. Amended elevations PD410 Art Stone 10082(PI)260A
48. Apartment block A Floor Plans 10082(PI) 141
49. Apartment Block A Option 10082(PI) 242A
50. Apartment Block A Elevations 10082 (PI)241D
51. Street scenes 10082(PI) 281B
52. External Plans 02-01DH
53. Additional Landscape Proposals c-673-04
54. External Screening Details – Fence 4 (Fence 4)
55. Planning Layout/Parking Provision 02-03



Appeal Decision

Site visit made on 20 March 2012

by Kay Sheffield BA(Hons) DipTP MRTPI

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

Decision date: 26 March 2012

Appeal Ref: APP/B2355/A/11/2166408

Holmelea, Hareholme Lane, Higher Cloughfold, Rossendale, BB4 7TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr R Shuttleworth against the decision of Rossendale Borough Council.
 - The application Ref 2011/0235, dated 11 May 2011, was approved on 11 July 2011 and planning permission was granted subject to conditions.
 - The development permitted is a garden room extension to the rear of the dwelling and a roof top terrace.
 - The condition in dispute is No. 4 which states that:
Any construction works associated with the development hereby approved shall not take place except between the hours of 7.00 am and 7.00 pm Monday to Friday and 8.00 am and 1.00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
 - The reason given for the condition is:
To ensure the development avoids undue harm to neighbour amenity, in accordance with Policy DC.1 of the Rossendale District Local Plan.
-

Procedural matters

1. On 8 November 2011 the Council adopted its Core Strategy Development Plan Document: *The Way Forward* (2011-2026) (DPD) and as a result Policy DC.1 of the Rossendale District Local Plan, 1995, which was cited by the Council in its reason for imposing the disputed condition, has been replaced by Policy 24 of the DPD. It is this policy to which I have had regard in determining the appeal.

Decision

2. The appeal is allowed and the planning permission Ref 2011/0235 for a garden room extension to the rear of the dwelling and a roof top terrace at Holmelea, Hareholme Lane, Higher Cloughfold, Rossendale, BB4 7TW granted on 11 July 2011 by Rossendale Borough Council, is varied by the deletion of condition 4.

Main Issue

3. The main issue is whether the condition is necessary and reasonable to safeguard the living conditions of the occupiers of neighbouring dwellings with regard to noise and disturbance during the construction of the proposed development.

Reasons

4. The appeal site lies to the west of Hareholme Lane in a predominantly residential area. The appeal property is a semi-detached dwelling with roof dormers to front and rear and, due to the topography of the site, a garage at

lower ground floor level. The proposed rear extension would be built to the rear of the garage at lower ground level and the roof terrace above would replace an existing small terrace at ground floor level. Internal alterations are also proposed in order to make maximum use of the space currently available at lower ground level.

5. Whilst the principle and detail of the extension has been accepted by the Council, and I have no reason to conclude otherwise, the Council seeks to control the hours of working on its construction through the condition imposed on the permission which is in dispute. The reason given for the condition cites undue harm to neighbour amenity and from the submissions this has been defined as harm from noise and disturbance.
6. The proposed extension is relatively small and whilst the ground works would require the removal of an existing raised planting area, the constraints of the site would probably prohibit the use of large machinery in respect of this. The erection of the extension would generate noise but there is no evidence to suggest that this would exceed the level normally associated with a scheme of this nature.
7. Whilst the Council contends that the condition is necessary in order to control the hours of construction to ensure building operations do not take place during unsocial hours, no specific evidence of the harm that it would cause to the living conditions of the occupiers of neighbouring dwellings has been submitted. Therefore in the absence of evidence to confirm that the control of working hours is required to make the development acceptable, it is concluded that the condition is neither necessary nor reasonable.
8. Noise and disturbance are matters which are subject to control under separate legislation and a condition which duplicates the effect of other controls will normally be unnecessary. No evidence has been submitted to indicate why the Council considers the control provided by such legislation would not be sufficient to ensure no nuisance would be caused to local residents. It is therefore concluded that the relevance of the condition to planning or to the development has not been proved.
9. The working hours are clearly stated in the disputed condition and would allow any breach of the condition to be identified. Although the appellant has indicated that internal alterations not governed by the condition would take place at the same time as the construction of the extension, there is no reason why the condition could not be enforced. It is therefore concluded that the condition is both enforceable and precise.
10. Although the condition has been found to be precise and enforceable, it would not satisfy the remaining tests of Circular 11/95 *The Use of Conditions in Planning Permissions*. This leads me to conclude that the condition is not necessary or reasonable to safeguard the living conditions of the occupiers of neighbouring dwellings with regard to noise and disturbance, as required by Policy 24 of the DPD. For this reason, and having had regard to all other matters raised including that of the privacy of the occupiers of neighbouring properties, the appeal is allowed and the disputed condition is deleted.

Kay Sheffield

INSPECTOR



Appeal Decision

Site visit made on 18 June 2012

by Anthony Lyman BSc(Hons) DipTP MRTPI

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

Decision date: 16 July 2012

Appeal Ref: APP/B2355/A/12/2171878

Land adjacent to No. 1 Grafton Villas, Bacup, Rossendale, OL13 9QZ

- 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 Howard Wilcox against the decision of Rossendale Borough Council.
 - The application Ref 2011/0535, dated 27 October 2011, was refused by notice dated 16 December 2011.
 - The development proposed is a pair of semi-detached houses.
-

Decision

1. The appeal is allowed and planning permission is granted for a pair of semi-detached houses at land adjacent to No. 1 Grafton Villas, Bacup, Rossendale, OL13 9QZ in accordance with the terms of the application, Ref 2011/0535, dated 27 October 2011 subject to the conditions listed in the attached schedule.

Procedural Matter

2. The National Planning Policy Framework was published on 27 March 2012. The Framework is a material consideration and both parties have been given the opportunity to comment on its relevance. Submitted comments and the policies in the Framework have been considered in determining this appeal.

Main Issues

3. The main issues are the effects of the proposed development on, i) parking facilities and highway safety, ii) the living conditions of the occupants of neighbouring properties with regard to potential loss of light and outlook.

Reasons

4. The appeal site is in an established residential area of Bacup and is an overgrown strip of land which, according to the Council, formed the side garden of No. 1 Grafton Villas. The proposal is to demolish a small garage on the site and to erect a pair of modest, two bedroom semi-detached houses. The external walls would be natural coursed stone under a hipped grey slate roof, reflecting the materials and style of the adjacent buildings.

Parking and highway safety

5. Each new dwelling would be provided with two parking spaces. Two new spaces would also be created in front of the existing dwelling, No. 1 Grafton

Villas, by removing part of the wide grass verge, as has happened elsewhere in the road. An attractive tree in part of the verge would be retained.

6. The development would result in the loss of some on-street parking spaces. This is a cause for concern for a number of existing residents, although I have no evidence that this would lead to parking stress in the area. The highway authority have raised no objections to the scheme in terms of parking capacity or highway safety, subject to the imposition of a number of conditions as set out below. I have no reason to disagree with their conclusions. The proposal would, therefore, accord with the objectives of Policy 8 and the parking objectives of Policy 24, of the Council's Core Strategy Development Plan Document – *The Way Forward (2011 – 2026)*, (DPD).

Living conditions

7. Along the northern boundary of the site there is a dense, tall conifer hedgerow, beyond which there is a public footpath and a terrace of dwellings on Bold Street. The distance between the side elevation of the new semi-detached houses and the adjacent dwellings on Bold Street is said to be about 9.3m, which is less than the separation distance normally sought by the Council. However, the retention of the conifer hedgerow, which is almost the height of the eaves of the proposed dwellings, would ensure that the outlook from the adjacent houses would not be significantly changed or harmed and that there would be little additional loss of light. The occupants of the Bold Street houses would suffer no loss of privacy as the only window in the side elevation of the new houses would be obscure glazed and obstructed by the retained hedge. The development would not, therefore, have a significant detrimental impact on the living conditions of nearby residents, and would satisfy the residential amenity objectives of Policy 24 of the DPD.

Conditions

8. Otherwise than as set out in this decision and conditions, it is necessary that the development is built in accordance with the approved plans for the avoidance of doubt. In the interests of visual and neighbouring amenity, the materials to be used in the external surfaces of the development, together with details of all proposed boundary treatments, existing and proposed ground levels, proposed building slab heights and measures to protect retained vegetation during construction will be secured by conditions. The layout, construction and future use of the parking spaces, together with the cutting back of part of the retained hedge to improve visibility, will also be controlled by conditions in the interests of highway safety. A scheme of archaeological investigation will be required in the interests of the local history of the area. Hours of construction and demolition works will be restricted to protect the living conditions of local residents.

Conclusion

9. For the reasons given and having had regard to all other matters raised, the appeal is allowed.

Anthony Lyman

INSPECTOR

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plan 3026, Revision 3b.
- 3) Before development commences, full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be undertaken in accordance with the approved details.
- 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the houses hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained.
- 5) No development shall take place until a scheme for the layout, construction and drainage of the parking areas associated with the new dwellings and No. 1 Grafton Villas, together with an implementation timetable, has been submitted to and approved in writing by the local planning authority. The parking areas shall be laid out and retained in accordance with the approved details and, thereafter, shall not be used for any purpose other than the parking of vehicles.
- 6) Before the first occupation of the dwellings hereby permitted, the conifer hedge along the northern boundary of the site shall be reduced to a height not exceeding 900mm for a distance of 1.5m from the footway immediately in front of the site and shall be retained in that condition.
- 7) No development shall take place until a scheme detailing all boundary treatments, including hedges and plants to be retained and measures to protect them during construction, together with a timetable for the implementation of any new planting and the provision of new walls and fences, has been submitted to and approved in writing by the local planning authority. The boundary treatments shall be provided in accordance with the approved details and timetable and thereafter retained.
- 8) No development shall take place on the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 9) Demolition or construction works shall not take place outside 07.00 hours to 19.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.



Appeal Decision

Site visit made on 10 July 2012

by S Hall BA (Hons) DipTP FRTPI MIHT

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

Decision date: 16 July 2012

Appeal Ref: APP/B2355/D/12/2175650

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 S Turner against the decision of Rossendale Borough Council.
 - The application Ref 2012/0107 was refused by notice dated 1 May 2012.
 - The development proposed is a domestic garage with office for domestic use at first floor level.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect of the proposed building on the character and appearance of its surroundings.

Reasons

3. Willows Farm contains a substantial stone and slate dwelling sited some 300 metres (m) to the east of Goodshaw Lane. It has two outbuildings which the Council considers do not have the benefit of planning permission. Immediately to the north, there is a complex of large, steel-clad buildings, some used by the appellant and others occupied separately as commercial kennels. A large, recently renovated stone dwelling is close by to the south. This extensive group of structures stands in open upland countryside, in which it is visually prominent from a number of middle- and far-distant viewpoints. A public footpath across this landscape passes through the farm, adjacent to the proposed garage site.
4. Notwithstanding the above description of the proposed development, the 15 m long building would contain three generously proportioned vehicle bays, with around 80 square m of office space above. The ridge of the slate pitched roof would be some 6.6 m high, above eaves at just under 4 m. Like the adjacent single storey outbuilding, but unlike the main two storey dwelling, its predominant external material would be reclaimed brickwork. The building would stand to the east of the dwelling, on a broadly north to south alignment. Though there is some hedging immediately to the east of the proposed site, I estimate that much of the rear wall would be visible from points further to the east, in open countryside on the public footpath.

5. Bearing in mind the greater bulk of the main buildings described above, including Willows Farm itself, and the extent of the whole group of structures, the scale of the proposal would not be disproportionate in this context. Even so, the height and length of brickwork on the long rear elevation would be visually at odds with both the dwelling to which it would be functionally related and with the large stone dwelling to the south. It is acknowledged that the steel-clad buildings to the north are much more intrusive in this respect. However, their presence does not justify adding further to that incongruity by the use on the proposed two storey building of materials that would be inappropriate in their immediate domestic setting.
6. Though the relevance and status of the Council's *Alterations and Extensions to Residential Properties* is disputed, the *National Planning Policy Framework* (NPPF) does not render out of date the applicable policies in the Council's *Core Strategy Development Plan Document* (CS), adopted in 2011. Therefore, they are not overridden by the NPPF's presumption, were that not the case, in favour of sustainable development. The above considerations lead me to conclude that the proposed choice of external materials would have a significant adverse effect on the character and appearance of the site's countryside surroundings. This would conflict with those aspects of CS Policies 1, 23 and 24 that seek to protect the countryside and ensure that development is compatible with its surroundings.
7. The stated need for garaging at this exposed site is not contentious, and the Council does not question the need for further domestic accommodation. Whilst the scheme is unlikely to have a significant noise reduction effect, having regard to the relative positions of the dwelling, kennels and other buildings, its proposed height is not a key determinant. Comparison with an approved development at Top o'the Shore Farm, Whitworth, where it is stated that external walls would be built in natural stone to match the existing, has little relevance. These and all other matters raised do not outweigh the harm identified in relation to character and appearance, in conflict with the development plan.
8. Were I be minded to allow the appeal, the Council states that a condition would be necessary requiring that the external surfaces should match the existing building. However, it is not made clear whether that building is the adjacent predominantly brick outbuilding or the main stone dwelling. In this case, with reference to the main dwelling the expression is not precise enough to ensure that the interests of appearance would be fully safeguarded. Further, in my view the use of external materials matching the dwelling would amount to a substantially different proposal, the details of which should first be considered by the Council. Therefore, it is not appropriate to allow the appeal subject to the suggested condition. It follows that the appeal should not succeed.

Stuart Hall

INSPECTOR