



Appeal Decision

Site visit made on 16 May 2017

by **Siobhan Watson BA(Hons) MCD MRTPI**

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

Decision date: 30 May 2017

Appeal Ref: APP/E2340/W/17/3169109

Land off Cob Lane / Old Stone Trough Lane, Kelbrook, Barnoldswick, BB18 6TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A and Miss E Parker against the decision of Pendle Borough Council.
 - The application Ref 16/0488/OUT, dated 20 July 2016, was refused by notice dated 6 October 2016.
 - The development proposed is the erection of up to 17 dwellings with access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with approval sought for access. All other matters have been reserved for subsequent approval. A layout has been submitted but I am treating this as being for indicative purposes.

Main Issues

3. The main issues are the effect of the proposed development upon (i) highway and pedestrian safety; and (ii) the setting of nearby listed buildings.

Reasons

Highway Safety

4. The proposed development would be divided into two groups of dwellings. Eleven dwellings would be accessed off Cob Lane and the other group of six dwellings would be accessed off Old Stone Trough Lane. The Local Highway Authority (LHA) says that the additional traffic would not have a severe impact on the surrounding highway network. It has estimated that the development would generate around 102 vehicular movements per day. I consider that this volume of traffic would have a very modest effect upon the surrounding highway network and would not be harmful.
 5. The speed limit at the proposed access is 30mph and although the Old Stone Trough Lane access is on a curve in the road, the LHA is satisfied with the proposed sight lines onto the highway and I have no convincing technical evidence that they would not be adequate. I note the position of Spring House and its garden wall but the road is aligned in such a way that I am of the
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opinion that adequate visibility would be possible. The LHA has checked Lancashire County Council's five year database for Personal Injury Accident on 14 August 2016. This indicated that there have not been any reported incidents along Old Stone Trough Lane or on Cob Lane near the site accesses, and therefore these roads do not have a history of being particularly dangerous.

6. I note the Council's concern that the road is narrow and winding around the Old Stone Trough Lane access with no road markings or public footways. However, the proposals include footpaths along the site frontage around the access and therefore there would be pedestrian refuge available as a result of the development.
7. I also note the Council's comments that there are other vehicular accesses to dwellings surrounding the site but this is not, in any way, an unusual situation. I have nothing to lead me to believe that there would be significant conflict between the new site access and the existing drives to other houses. The Council's statement also describes traffic speed and the behaviour of drivers around the site but I have no technical evidence to support these assertions. Moreover, the appellant's vehicle speed data indicates that speeds are an average of 18mph in both directions on Old Stone Trough Lane and just below this on Cob Lane. It also records low traffic flows along both roads.
8. I conclude that the proposed development would not harm highway or pedestrian safety. Consequently, I find no conflict with Policy ENV4 of the Pendle Core Strategy which seeks to protect highway safety. Neither do I find conflict with Paragraph 32 of the National Planning Policy Framework ("The Framework") which indicates that development should provide safe and suitable access to a site.

Setting of the Listed Buildings

9. There are 2 Grade II Listed Buildings very near the site: Yellow Hall and Stoops Farmhouse and Barn. Yellow Hall is a group of cottages constructed in the early 19th Century. It is built in a vernacular style which is typical of its time. It has 17th century-style features such as mullioned windows, gabled porches and coped verges with ball finials. The building has a symmetrical frontage with a central gabled double porch serving the two middle cottages. There are two chimney stacks on party walls.
10. The design of Yellow Hall is reminiscent of estate cottages or houses built by a charity. It has significant architectural interest on the front elevation. The rear of the building has been subject to alterations such as rendering, a glazed extension and the provision of modern windows. As a result, the rear elevation has a low significance but overall, the building has high significance as a good example of a terrace of early rural 19th century houses, built as part of planned housing.
11. Yellow Hall is set at the edge of other built development and has fields to the rear. I saw at my visit that the rear of the building can be seen clearly from along Cob Lane. As dwellings would be constructed behind the building, its rear elevation would be obscured from view. However, due to the alterations, the interest of the building from long range views along Cob Lane has been somewhat diminished. That said, the historical evidence is that Yellow Hall was once surrounded by open countryside. Therefore, this countryside is of high

- importance to the setting of the building. Closing off the remaining open setting to the rear would cause some harm to the setting of this building.
12. Stoops Farmhouse and Barn has high significance as a good example of a vernacular farmstead in the Pennines. It is the oldest of the group of buildings around the junction of Cob Lane and Old Stone Trough Lane. It is built of rubblestone, and the house and barn are arranged in a linear form as one building. The former farmhouse has altered windows in stone surrounds. Although all now in domestic use, the barn's former farming use is still legible due to the high proportion of wall to window.
 13. The appeal site is directly opposite the farmhouse and it is only from the appeal site that a good full view of the front elevation of the house is possible. These fields are exceptionally important to the setting of this rural building. The appeal site provides a visual connection between the former farmstead and farmland. Furthermore, there is a partial view of the front of the building over the fields from Cob Lane. The proposed development would remove the remaining countryside around the house and for this reason, the setting of this building would be significantly harmed by its enclosure by the proposed development.
 14. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon me to have special regard to the desirability of preserving the setting of listed buildings.
 15. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by development within its setting. Paragraph 134 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
 16. There would be limited harm to the setting of Yellow Hall and there would be significant harm to the setting of Stoops Farmhouse and Barn. The harm to the heritage assets would be less than substantial and in accordance with paragraph 134 of the Framework, the harm should be weighed against any public benefits of the proposal. I shall deal with this below.

Other Considerations

17. At the time of the Council's decision, the Council was unable to demonstrate an up to date five year supply of land for housing. However, since that time, the Council has confirmed that its most recent Monitoring Report (December 2016) indicates that there is now a demonstrable 5 year supply. The appellant does not dispute the existence of a 5 year housing land supply, however, he has drawn my attention to CS Policies SDP2 and SDP3 which, in combination, identify Kelbrook as a Rural Service Centre which is to accommodate growth, including housing. However, the site is outside of the settlement boundary and therefore these policies have limited relevance.
18. The appellant has also drawn my attention to CS Policy LIV1 which indicates that until the Council adopts the Local Plan Part 2: Site Allocations and

Development Policies (SADP), housing development which makes a positive contribution to the five year supply of housing land will be supported on sustainable sites outside of, but close to a settlement boundary. However, as the Council now has a 5 year supply, this policy can no longer be relied upon to justify the development.

19. I have also had regard to neighbours' concerns about the loss of landscape by the encroachment of the developed area into the open countryside. This would cause some harm to the character and appearance of the area and to the rural setting of the village.
20. The appellant has submitted a unilateral undertaking that provides for a financial contribution towards (i) affordable housing which would be the equivalent of a 20% provision and (ii) education. The affordable housing contribution would be a benefit of the scheme. The contribution towards education is not a public benefit because the additional pressure on education would arise as a result of the development. Therefore, it is a neutral consideration in the balance.

Public Benefits v Harm to the Setting of the Listed Buildings

21. Overall, the proposal would provide homes outside of, but at the edge of, a settlement. The housing would be a public benefit but this benefit has now been diminished by the Council having an up to date five year HLS. Another public benefit is that the development would make a contribution towards the provision of a small number of affordable dwellings. However, these public benefits are not sufficient to outweigh the identified harm to the setting of the Listed Buildings. The proposal would not, therefore, accord with CS ENV 1 which indicates that development should ensure that the significance of any heritage asset, including its setting, is not harmed or lost without clear and convincing justification. It would also conflict with the Framework which seeks to conserve and enhance the historic environment.

Conclusion

22. I have had regard to all other matters raised, including the representations from interested parties, but none outweigh the conclusions I have reached and the appeal is dismissed.

Siobhan Watson

INSPECTOR