
Appeal Decision

Site visit made on 11 November 2013

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 19 November 2013

Appeal Ref: APP/E2340/A/13/2199070

Spbrook Mill, Spbrook Road, Newchurch in Pendle BB12 9JH

- 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 Ingham and Keers against the decision of Pendle Borough Council.
 - The application Ref 13/12/0346P, dated 4 July 2012, was refused by notice dated 18 January 2013.
 - The development proposed is a mixed use development comprising conversion of Spbrook Mill for office (B1), cafe/bistro (A3/A4), village shop/post office with ATM (A1) and crèche (D1), demolition of the remaining buildings and the development of 30 no. new residential dwellings, and associated landscaping, access and parking.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline form with access and layout as matters for consideration; appearance, landscaping and scale being matters reserved for possible future consideration.

Reasons

3. Spbrook Mill is situated in the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and in the Newchurch and Spbrook Conservation Area (NSCA). The main issue is the effect of the proposed development on the natural beauty of the AONB and on the character and appearance of the NSCA.
4. The hamlet of Spbrook is located to the south-east of the slightly larger hamlet of Newchurch in Pendle. Spbrook comprises about 36 dwellings, mainly along two cul-de-sac roads, and Spbrook Mill. The NSCA encompasses the two hamlets and surrounding countryside. The original mill buildings were constructed in the mid to late 19th century and are on the west side of Spbrook Road; the two cul-de-sac roads being on the east side of this road which passes through the hamlet. In the later decades of the 20th century extensive brick and steel buildings were added to the west side of the original mill buildings. The complex of buildings are currently unused.
5. The proposed development includes the demolition of the brick and steel buildings and one of the original mill buildings, the weaving shed. Evidence indicates that the weaving shed has been much altered and its demolition, together with the modern sheds attached to it, is not regarded, by the Council's

Conservation Officer, to be significantly detrimental to the character of the NSCA. The original buildings that would remain, including a prominent chimney, front onto Spenbrook Road and are the main element in this part of the NSCA. The original mill buildings are likely to be the principal reason for the inclusion of Spenbrook with the Conservation Area.

6. The proposed development also includes the construction of 30 dwellings on land that is currently occupied by the buildings that would be demolished and by access roads and hardstanding associated with the existing buildings. A new access road, off Spenbrook Road to the south of the mill buildings, would lead to the development of 10 detached dwellings and 16 terraced dwellings, in six terraces of three or four dwellings. It is intended that land owned by the Appellants to the west and south of the proposed housing, outside the application site, would be used to provide landscape screening.

7. The Development Plan includes saved policies of the Replacement Pendle Local Plan 2001-2016 (LP). The application was considered by the Council to be in conflict with LP policy 2. Paragraph 215 of the National Planning Policy Framework (NPPF) states that, from March 2013, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. LP policy 2 is consistent with paragraph 115 of the NPPF because it seeks to preserve the scenic beauty of an AONB but is inconsistent with paragraph 116 because it does not include an exceptional circumstances test.

8. The conversion of the retained mill buildings for the uses set out in the application is not contentious. If converted as proposed the café and shop/post office, if brought into use, would be advantageous for existing and intended residents of the hamlet. It is the proposed housing development to the rear of the retained buildings that concerns the Council. The layout of the scheme is a matter for consideration and is shown on an application drawing. The terraced housing would be to the west of the mill buildings and the detached dwellings would be to the west and south of the terraced dwellings.

9. The layout of the proposed housing development is very poor. It is suburban in form and would be better suited to the outskirts of nearby Burnley than to a countryside location. The terraced dwellings would be tightly packed in a rectilinear layout and would be surrounded on three sides by hard surfaced roads and parking areas. Within the application site, in fact, roadways and parking spaces would dominate the public parts of the development and there would be virtually no opportunities for soft landscaping. The layout of the detached dwellings, apart from one dwelling set close to Spenbrook Road, continues the rectilinear layout of the terraced dwellings.

10. At the rear and to the south of the mill buildings would be parking areas associated with proposed uses of the retained buildings. Again, there would be almost no opportunity for soft landscaping around these areas. No attempt has been made to integrate the housing development with the retained buildings or to suggest that the housing has developed over time. There are many negative aspects to the proposed layout. For instance, fourteen of the terraced dwellings would be arranged back-to-back and separated by rear gardens subdivided by a path. The rear gardens, to provide adequate levels of amenity, would inevitably be, or would become, subdivided by high fences. The path would be about 36 metres long and would have high fences on both sides. This path would be inhospitable and would be at the very centre of the proposed development.

11. Landscaping to the west and south of the housing development would not screen the development in near views from Spenbrook Road and from a public footpath that passes alongside the boundary to The Laurels, a residential property immediately to the north of the application site. The incongruity of the residential development in this countryside location would be obvious from these public vantage points as would its inappropriate layout. The development would replace industrial buildings and, overall, would be less in mass terms but the existing unused buildings currently have a compact presence in the landscape whereas the proposed housing would be dispersed and active. The proposed housing scheme, given its layout, would have a significant adverse effect on local distinctiveness and would have a significant adverse effect on the landscape of the AONB. It would, furthermore, detract from the retained mill buildings and would adversely affect the character and appearance of the NSCA.

12. The proposed development is a major development. Paragraph 116 of the NPPF states that planning permission should be refused for a major development in an AONB except in exceptional circumstances and where it can be demonstrated it is in the public interest. This is consistent with the provisions of Supplementary Planning Guidance (SPG) for the AONB. Matters to be assessed include the need for the development, the cost and scope of developing elsewhere, and the effect of the development on the environment and landscape. The NPPF, at paragraph 14, states that there is a presumption in favour of sustainable development and that, for decision making, this means, where the Development Plan is out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

13. The proposed development, setting aside concerns with regard to layout, would have many economic, social and environmental benefits. There is, in fact, much to commend the scheme. Furthermore, the Council can demonstrate, depending on which assessment method is used, only 2.1 or 2.4 years of housing land supply, which is well short of the five years plus 20% buffer required by paragraph 47 of the NPPF. The development would contribute to meeting housing need and the site is included as a housing opportunity site in the Council's latest Strategic Housing Land Availability Assessment. The development would assist in sustaining a rural community and would cause no harm other than to local distinctiveness and to the landscape of the AONB.

14. LP policy 2 is consistent with paragraph 115 of the NPPF because it seeks to protect the landscape and scenic beauty of the AONB. None of the matters mentioned in support of the appeal, either individually or collectively, outweigh the serious harm that would be caused, given the layout of the proposed thirty dwellings, to the landscape and scenic beauty of the AONB and, in addition, to the character of the NSCA. There are no exceptional circumstances in this case and it cannot be in the public interest to allow a development that would cause such serious harm to the AONB for many decades to come. The proposed development conflicts with LP policy 2 and with paragraph 115 of the NPPF. With regard to paragraph 14 of the NPPF the adverse impact of the development significantly and demonstrably outweighs the benefits of the development.

John Braithwaite

Inspector

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