



Appeal Decision

Site visit made on 23 May 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/B2355/W/23/3315738

16 Hurst Platt, Rawtenstall, Rossendale Lancs BB4 7RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr R Stansfield against the decision of Rossendale Borough Council.
 - The application Ref 2022/0553, dated 1 November 2022, was refused by notice dated 30 January 2023.
 - The development proposed is 1 detached dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for 1 detached dwelling at 16 Hurst Platt, Rawtenstall, Rossendale Lancs BB4 7RG in accordance with the terms of the application, Ref 2022/0553, dated 1 November 2022.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) (PIP) establishes whether a site is suitable in-principle, and the second (technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for PIP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if PIP is granted. I have determined the appeal accordingly.
4. I have taken the address in the banner heading and formal decision from the appeal form as it more succinctly describes the address.
5. The plans submitted with the application include an illustrative proposed site plan showing a dwelling and parking spaces. I have considered this as indicative only.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

7. The appeal site lies within a predominantly residential area characterised by dwellings of a variety of house types and ages. It is a grassed area to the side of 16 Hurst Platt, a detached dwelling. To the other side is an electricity substation and Rawtenstall Spiritualist Centre. Both parties agree that it lies within the defined urban boundary.
8. Although the proposal would reduce the openness of the area and the amount of space around the host dwelling, it would be seen in the context of residential development, with new development to the north along Green Street. I acknowledge that the plot could be overlooked by the surrounding dwellings, due in part to varying land levels, which may affect the privacy of any private amenity space for the occupiers. However, the precise location of the proposed dwelling within the appeal site is a matter for the technical details consent and there is no evidence before me to suggest that it is not of sufficient size to accommodate a dwelling, space for parking and private amenity space to meet the policy requirements of the Council.
9. The appeal decision referred to by the Council is for a site which is outside the urban boundary and in an area characterised by open fields and sporadic housing. It therefore differs significantly from the proposal before me, so carries limited weight in the determination of this appeal which I have determined based on the site-specific circumstances of this case.
10. For the reasons given, I conclude that the location, the proposed land use and the amount of development is suitable for residential development. As such, the proposal would comply with Policies ENV1, ENV3 and HS8 of the Rossendale Local Plan 2019 to 2036, which together amongst other matters, seek to ensure development is in keeping with surrounding areas and takes account of the character and appearance of the area. It would also comply with the National Planning Policy Framework (the Framework).

Other Matters

11. I have had regard to the comments from the Spiritualist Centre regarding access and parking. The Council's Highways department do not have any objections in principle to the dwelling, however further details will be required for any technical details consent. I also note the comments relating to land ownership issues. This is a civil matter between the parties and is not a planning matter for my consideration.

Conclusion

12. The proposal does not conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
13. For the reasons given the appeal is allowed and permission in principle is granted for one detached dwelling.

H Senior

INSPECTOR