

**APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 4th JUNE 2021 AND 2nd DECEMBER 2021
PLANNING & HIGHWAYS COMMITTEE – 16th DECEMBER 2021**

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
6 th April 2021	APP/M2372/W/21/3269504 10/20/1066	14 Tower Street Chapelton BL7 0EU Extension of residential curtilage to side and proposed single storey side/rear extension	Written Representations	Dismissed & Appeal Costs application dismissed.	16 th August 2021	The extended garden area would result in the loss of an important feature in the conservation area – alleyways, narrow paths and roads contribute to the character of the conservation area. The Inspector agreed. Regarding the extension, it is considered this would disrupt the rhythm of the terrace and the forward projection along the side wall would appear discordant against the substantial gable wall due to the offset alignment and introduction of a secondary pitched roof and gable, contrary to Policies 8, 11 and 39 of the Local Plan Part 2. The Costs

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						<p>decision was dismissed – it was from the Council’s submission that the main issues at the appeal related to the effect on the significance of the conservation area, and not the legal argument relating to the interpretation of the term “curtilage” or its extent in relation to the appeal site. Nor did the Council pursue such arguments at the appeal stage. The applicant could have pursued their misgivings over the description at the start of the application, but did not. Therefore, the Inspector concluded there was no unreasonable behaviour by the Council.</p>
6 th April 2021	APP/M2372/Z/21/3268839 10/20/1075	Elim Pentecostal Church Park Road	Written Representations	Dismissed	19 th July 2021	The Inspector considered that the proposed advert in the

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		Blackburn BB2 3DJ 4m (w) x 6 (h) single sided digital advertising sheet				location would be of significant size and scale dominating the area thereby harming the amenity of the area. The adjacent road junction at Grimshaw Park/Russell Street has a history of collisions. The Inspector considered the advert would draw the attention of road users at a busy junction and thereby would harm public safety.
23 rd June 2021	APP/M/2372/W/21/3275902 10/20/1159	Land off Accrington Road Blackburn Erection of 3 number terrace style dwelling houses on vacant land off Accrington Road	Written Representations	Dismissed & Appeal Costs application dismissed.	21 st September 2021	The Inspector considered that the configuration of the proposed development would appear contrived and would not be of a high standard of design. The proposed would have a significantly harmful effect on the character and appearance of the surrounding area,

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						<p>thereby conflicting with Policy CS16 of the Core Strategy and Policy 11 of the Local Plan Part 2. The Costs application was dismissed – The Inspector considered that the Council’s statement of case and decision notice adequately articulated it’s objection to the scheme and reasons for refusal. At the pre-application stage there was no evidence to suggest that the Council would support the application. Therefore, the Inspector considered there was no unreasonable behaviour demonstrated by the Council which resulted in the appeal being submitted.</p>
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26 th July 2021	APP/M/2372/W/21/3277765 10/21/0197	Higher Hill Farm Higher Hill Tockholes Change of use from agricultural building to 2 No. dwellinghouses (C3)	Written Representations	Allowed	17 th November 2021	The Planning Inspector considered from the evidence submitted that the building has been subject to occasional casual non-agricultural uses since it was last in agricultural use. On the balance of probabilities, the Inspector considered no material change of use has occurred to prevent the conditions is Class Q1 being utilised. The Inspector considered that the extent of works proposed to create the dwellings would not be so significant to be considered as a conversion i.e. it would not be a new build. The Inspector in his decision noted that the Council did not object to the design and external appearance (this is

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						not correct and officers have responded back to the Inspectorate requesting an explanation from the Inspector). The Inspector concluded that the proposed works would comply with the relevant criteria of Schedule 2, Part 3, Class Q of the GPDO.
13 th July 2021	APP/M/2372/W/21/3275709 10/21/0205	Land to the South of Cranberry Fold Court off Cranberry Lane Darwen BB3 2HX Erection of agricultural storage building and access track	Written Representations	Dismissed	10 th September 2021	The Planning Inspector considered based on the evidence submitted, with regards to the definition of “agricultural building” – part 3 and “agricultural use” – part 6 of the GPDO, the tree planting and hay crop have yet to occur, and there is little evidence to demonstrate an agricultural business basis of any livestock

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						rearing enterprise by the appellant, or little evidence of grazing activity on the wider site. As such, it was considered that the proposal is not reasonably necessary in conjunction with an established commercial agricultural enterprise benefitting from Class Part 6 rights of the 2015 GPDO.
17 th August 2021	APP/M/2372/D/21/3277515 10/21/0230	848 Livesey Branch Road Blackburn BB2 5EG Single storey rear extension and double storey side extension	Written Representations	Allowed	16 th November 2021	The Planning Inspector considered that whilst the proposal would close the gap between the appeal host property and No.846, a gap from the proposal to the boundary between the two would remain, and a view of the sky would be still be possible from the kitchen window at No.846. As such, the Inspector considered

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						that that proposal would not be overbearing and would not harm the living conditions of the occupants of No.846 due to an unacceptable loss of light or overshadowing effect. The proposal would therefore comply with Policy 8 of the Local Plan Part 2.
9 th June 2021	APP/M/2372/H/21/3275389 10/21/0243	Mayfield garage Bolton Road Blackburn BB2 3QN The erection of a freestanding 48-sheet sized digital LED advertising unit	Written Representations	Allowed	10 th September 2021	The Council approved the advertising unit on the 17 th May 2021, with the imposition of conditions, which are subject to the appeal. <i>Condition No.8</i> – scheme of luminance levels:- The Planning Inspector considered this was not necessary due to its commercial surroundings, and the display panel could be fitted with a light sensor that adjusts the brightness to ambient

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							<p>light levels. The condition wording was amended. <i>Condition No.9</i> – the requirement to submit foundation and structural details is considered unnecessary by the Inspector due to the very limited possibility of traffic colliding with the sign. The condition was deleted. <i>Condition 10</i> – this required none of the details of the sign should display red or green. The Inspector considered the signal-controlled junction is located a considerable distance from the appeal site. As such, the Inspector considered there was enough distance to ensure that the use of red or green as majority colours in the adverts, would not</p>
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						<p>result in a colour washout with the existing traffic signals. The Condition was removed.</p> <p><i>Condition 11</i> – this required an advert shall change no more than once in every 60 second time interval. The Inspector considered by reducing the rate of change of the display to no more frequently than every 10 seconds, it is likely drivers approaching would see no more than 1 or 2 adverts. The distraction would only be momentary, and the display would integrate into the immediate surroundings, and as such would not conflict with Policy 10 of the Local Plan Part 2. The wording of the</p>
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						condition was thereby amended.

TOTAL NUMBER OF DECISIONS: 7

TOTAL NUMBER ALLOWED: 3 (43%)

TOTAL NUMBER DISMISSED: 4 (57%)