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## Appeal Decision

Site visit made on 12 October 2015

**by Louise Nurser BA (Hons) Dip UP MRTPI**

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

**Decision date: 9 December 2015**

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**Appeal Ref: APP/T2350/W/15/3124801**

**Curtis House, Longridge Road, Longridge, Lancs PR3 2NB.**

- 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 NRS Contracts Ltd against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2015/0272, dated 6 March 2015, was refused by notice dated 12 May 2015.
  - The development proposed is erection of detached double garage.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. It had been arranged that I would undertake the visit with representatives of both the Local Planning Authority and the appellant present. The Local Planning Authority representative did not attend. Therefore, following discussion with the appellant's agent who had contacted the Council and ascertained that the Council's representative would be unable to attend, I undertook the site visit as an Access Required Site Visit. This meant I was able to access the site on my own with the permission of the appellant. This has not prejudiced the Council in my determination of the appeal.
3. The description refers to the proposed development as a detached double garage. However, it is clear from the plans before me that the proposed development also includes a wall. I have therefore determined the appeal on that basis.
4. The appeal site has been referred to as falling within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). From my consideration of the Council's questionnaire and Officer Report it is apparent that this is not the case.

### Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property and the wider landscape.

## Reasons

### *Character and appearance*

6. The appeal site lies around 360 metres away from the boundary of the AONB, in an area of open countryside, characterised by traditional boundary treatments of hedging or stone walls set within a gently undulating landscape of open views.
7. The proposed development would provide new build garaging for a dwelling which is to be formed from a converted single storey agricultural building which sits within a small paddock associated with Curtis House. As part of the planning permission Reference 3/2014/0425/P, to convert the shippon to a dwelling, detailed conditions were imposed to ensure that the rural character of the simple modest single storey linear brick built shippon, which is set back a considerable distance from the road within the grass paddock, was not lost through insensitive alterations, including the construction of outbuildings.
8. Paragraph 115 of the Framework makes it clear that the Government places great weight on the importance of conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty. The Ribble Valley Core Strategy, (CS) adopted 2014, takes the approach that areas outside of the AONB which contribute to its setting will be protected, conserved and, where possible, enhanced.
9. The proposed garaging would be joined to the host building at its southernmost end by a rendered breeze block wall of around 1.8 metres high which would extend for around 6 metres. Together, the rear of the wall and the side elevations of the garage and shippon would run almost the whole depth of the paddock.
10. Consequently, the open rural aspect of the site and its setting would be compromised as a result of the introduction of a tall wall and a double garage whose ridge line would dominate, partially obscure, and alter the rural appearance of the former shippon.
11. The existing hawthorn hedging which forms the boundary to the road is of modest height. Consequently, there are open views into the site. When viewed from the public footpath to the south of the appeal site the proposed development would be less visible. This would be as a result of the partial screening by the Pumping Station and in the summer, the tall thick hawthorn hedge. In the winter this would be less effective. However, the rendered wall, juxtaposed with the brick garages and shippon would be most visible when viewed from Longridge Road travelling towards Chipping and the AONB and would be seen as a large obtrusive feature in the landscape.
12. The appellant has referred me to an area between the Alston Arms and the Derby Arms which I was able to consider as part of my site visit. This area is characterised by limited sporadic development. The built development within the open countryside does not consistently follow a particular style or type of development and I was aware of a number of buildings which were set at a 90 degree angle to the road such as the detached garaging to the north of Curtis House, the rendered electricity building at the corner of Lord's Lane and a large modern steel profile sheet building on the other side of Lord's Lane. However, these do not appear to be in keeping with the predominantly stone vernacular

buildings which front the road such as Curtis House and which, on the whole, form a linear pattern.

13. I understand that the appellant wishes to provide garaging on the site and that as a result of allowing the conversion of the agricultural building that the nature of the appeal site will inevitably change. However, the wall, together with the marked driveway, coloured gravel, and the construction of a large double garage would introduce a suburban ambience into an important landscape and impact on the setting of the AONB.
14. I conclude that the proposal would unacceptably impact on the character and appearance of the host property and the wider landscape. This would not preserve, conserve nor enhance the quality of the rural farmland landscape as promoted within Key Statement EN2 of the CS. Nor would it accord with the objectives of Policies DMG1 and DMH4 of the CS which require developments to be sensitive to their context and not harm the character and appearance of the area, or the host property.

*Other matters*

15. I understand that there are discrepancies between the access details set out in the application which is the subject of this appeal and the previously approved application. However, there is no evidence before me to suggest that it would not be possible to provide for safe access and egress to the site to reflect that agreed within the previous approval. Indeed, reference is made within a note to Plan 0454/93 Drawing no 02 for the access arrangements to align with approval 3/2014/0425. Consequently, I conclude that were I to have approved this proposed development that matters of highway safety could have been overcome by condition.

**Conclusion**

16. For the reasons set out above I conclude that the appeal should be dismissed.

*L. Nurser*

INSPECTOR

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# Appeal Decision

Site visit made on 25 November 2015

**by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM**

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

**Decision date: 18 December 2015**

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**Appeal Ref: APP/T2350/Y/15/3121463**

**Mellor Lodge, Preston New Road, Mellor, Blackburn, Lancashire BB2 7NP**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr David Outhwaite-Bentley against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2014/0755, dated 13 August 2014, was refused by notice dated 23 December 2014.
  - The works proposed are described as "improvement works to existing extension to Grade II listed historic building".
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## Decision

1. The appeal is dismissed and listed building consent is refused for "improvement works to existing extension to Grade II listed historic building".

## Preliminary Matters

2. As the proposal affects a listed building I have paid special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The listed building has been the focus of a number of unsuccessful appeals since the early 1990s. Whilst I have considered the issues afresh, I have nonetheless taken these decisions into account in the determination of this appeal.

## Main Issues

4. The main issues are the effect of the proposal on:
  - the special architectural and historic interest of a Grade II listed building, Mellor Lodge;
  - the setting of a Grade II listed historic park and garden, Woodfold Park; and
  - the setting of a Grade II listed building, Woodfold Hall.

## Reasons

5. Mellor Lodge is one of a pair of gate lodges that mark the main entrance to Woodfold Park, a Grade II historic park and garden. Both of the lodges and the intervening gates and railings were first listed in 1986. The buildings date from the late 18<sup>th</sup> century. They are constructed from sandstone ashlar with shallow slate roofs that are hipped. They are small, single storey buildings with a

- square plan form. Elongated architraves with triangular pediments are present on the public-facing elevations of each lodge which give a refined appearance that epitomises the polite architecture of this period. These emphasise the windows on two sides and a door on the third which faces the opposite lodge. None of the original doors or windows remains in either lodge.
6. Both lodges have substantial rectangular extensions adjoining their rear elevations that project beyond their original footprint to the south west. These run broadly parallel to the driveway and are clearly visible on approach from Woodfold Park. These are modern additions of little architectural merit. Consequently, the special interest is defined by the simple plan form of the original buildings, their distinctive period architecture and their original fixings, most notably the linking railings and gateway.
  7. Woodfold Park provides the setting for the monumental Grade II Woodfold Hall that was designed by James Wyatt and built between 1796 and 1799. The lodges were designed by the same architect and constructed around the same time. The park itself was first listed in 1995 and was laid out when the Hall was first constructed. It covers an area of approximately 175ha. As the main entrance to a substantial country estate, the lodges signify the importance of the private landscape that lies beyond and provide a focus for the architectural anticipation of the main Hall. Consequently, this signifies their special interest in relation to the setting of both Woodfold Park and Woodfold Hall.
  8. The appeal site encompasses the easternmost lodge and an area of unkempt ground immediately about the dwelling. Listed building consent was granted for the extension of this lodge in 1997 and subsequently renewed in 2005 by the current owners (Ref 3/05/0314). The extension was not constructed in accordance with approved drawings and this led the Council to issue a listed building enforcement notice (Ref 3/2009/001/E). The appellant appealed but the notice was upheld with a small variation<sup>1</sup>.
  9. The appellant then submitted applications for planning permission (Ref 3/2011/0206) and listed building consent (Ref 3/2011/0205) for the extension as constructed. This was refused and a subsequent appeal against the decision was also dismissed<sup>2</sup>. The owners were then prosecuted on 14 August 2014 for a failure to comply with a listed building enforcement notice. This was the day after a further application for listed building consent (Ref 3/2014/0755) was submitted to the Council which was subsequently refused on 23 December 2014. It is this application that is the subject of this appeal.
  10. The proposal sets out a range of works that are intended to improve the architectural detailing of the extension in order to address some of the issues that have arisen from the unlawful development of the listed building. The extension as it stands today differs from the approved extension in several respects. The external walls are significantly higher than the original building and its north east elevation is built on the same building line as the front elevation of the original lodge. The fenestration varies significantly on all elevations and includes a pair of patio doors that open onto a prominent, cantilevered decking structure. Neither this structure, nor the raised patio and

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<sup>1</sup> APP/T2350/F/10/2122977 & APP/T2350/F/10/2122978

<sup>2</sup> APP/T2350/E/11/2161957 & APP/T2350/E/11/2161961

- retaining wall around the southern corner of the extension, were part of the original scheme.
11. The proposed works would: render the tooled stonework of the walls; replace ridge tiles with lead capping; introduce moulded ashlar window/door surrounds and an ashlar cornice; install 6 over 6 sash windows of similar proportions to those in the original building; block a window on the north west elevation of the extension; replace a door on the north west elevation of the original building; remove the cantilevered decking structure and retaining wall; and raise the ground levels of the south eastern elevation. Whilst I accept that these works would address some of the negative aspects of the unlawful development that has occurred, a number of elements would nevertheless remain unchanged.
  12. The external walls and footprint of the extension would remain the same and two replacement double-glazed sash windows in the original building, as well as a pair of patio doors on the south eastern elevation of the extension, would be retained. Whilst the proposal would alter the fenestration this would not, by and large, be according to the previously approved plans. Consequently, the proposal clearly falls short of what has been permitted. The key aspects of this appeal are therefore the harm that would result from the retention of unlawful features and the extent to which the proposed works would either mitigate or add to this harm.
  13. I observed from my site visit that the extension is wholly unsympathetic to the original building in terms of its style, materials and massing. The lack of subservience has led to a highly incongruous, over-dominant addition that looms over the compact proportions of the original building. It should be noted that a previous Inspector<sup>3</sup> arrived at a similar conclusion in finding that the scale, proportions and detailing of the extension had caused serious harm. The greater height of the gutter and eaves and the lack of any set back of the north east elevation have led to a substantial negative impact that greatly distracts from the elegant, finely detailed architectural features of the original building. This not only harms the special interest of the listed building but is also detrimental to the setting of both Woodfold Park and Woodfold Hall.
  14. The appellant is of the opinion that it is in keeping with the scale of the extension to the neighbouring lodge. However, the presence of existing harm is not a valid justification for further harm. Nor do I find that the potential for blocked box guttering offers a sufficient justification to maintain the status quo as this could be easily be remedied through routine annual maintenance. The removal of leaves from the gutters of houses under tall trees is neither an exceptional nor unreasonable activity in my experience. The appellant is also of the opinion that a reduction in the scale of the building would be architecturally inappropriate. Clearly I do not share this view and I am not satisfied that the highly unbalanced proportions of the extension in comparison to the original lodge represent good design. This is because the over-dominant form of the extension lacks sympathy with the original building and fails to improve the character and quality of the immediate area.
  15. The harm from the disproportionate massing of the extension has been further compounded by the installation of double-glazed, sash windows in the north east and south west elevations of the original building. These have 6 over 6

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<sup>3</sup> APP/T2350/E/11/2161957 & APP/T2350/E/11/2161961

panes separated by excessively thick and crudely constructed glazing bars. They lack the elegance of windows dating from the period in which the lodge was constructed, not only in terms of their thickness but also because of a lack of finely moulded detail and the presence of inappropriate horns. Moreover, the high reflectivity and double glass register of the windows is highly incongruent when compared with original Georgian windows.

16. Although the retention of, albeit altered, patio doors might seem acceptable within the context of a modern extension, this would add to the harm that I have already identified. This is because, even though they are on the least visible elevation, listed buildings should be safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained. This is also why the presence of a tall evergreen hedge does not mitigate the lack of setback of the extension from the front elevation of the original lodge. Their retention would harm the listed building because they are not a contemporaneous architectural feature and therefore incongruent. Having viewed the associated room from outside the property I do not find that the internal layout would be compromised if these doors were blocked.
17. I now turn to the effect of the proposed works. Clearly the replacement of the uPVC eaves and rainwater goods would be beneficial, as would a more consistent approach to the fenestration of this property. Whilst a pastiche, and notwithstanding the historically inappropriate horns, I nevertheless find that the proportions and ashlar detailing of the proposed 6 by 6 sash windows would help to emphasise the vertical elements of the original building and lead to a more integrated appearance. This is not currently the case because of the jarring incongruity of the poorly proportioned and seemingly ad hoc dimensions of the existing casement windows. Whilst not ideal, the proposed fenestration would nevertheless improve the current situation and reduce the level of harm caused by this particular feature. For similar reasons, the removal of the cantilevered decking, retaining wall and patio would also be of some benefit as would the removal of external fittings, such as a side-mounted television aerial. I find the proposed changes in ground level neutral given that little symmetry or consistency in ground level remains between the two lodges when viewed from the south west.
18. However, not all of the proposed works would be beneficial. Most notably the replacement door on the north western elevation of the original building and the proposed render. Although I observed that the existing door is not original, its replacement would add to the harm caused by the double-glazed, horned sash windows that are already present. This is because its glazed Victorian design would be incongruent with the unglazed style of the Georgian door that would have been present when the building was first constructed. Clearly this would further undermine the neo-classical architectural features of the original building.
19. Whilst I acknowledge that the proposed render would be coloured and cover the smaller upper courses of the external walls, the glaring incongruity of such a finish is clearly apparent on the extension to the facing western lodge. Even if a darker tone was used, this visually dominant finish would stress the excessive bulk of the extension in contrast to the natural stonework of the original building thus reinforcing, rather than mitigating, the harm that has already been caused. Clearly, these considerations reduce the overall level of

benefit that would accrue from the proposed scheme. All things considered, I do not find that the benefits of the scheme would outweigh the substantial harm that has already been caused.

20. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of the asset. The degradation of this heritage asset that has arisen from the poorly conceived extension and loss of original features is so serious that I consider it to be approaching the threshold of substantial harm. The Planning Practice Guidance 2014 (as amended) advises that substantial harm is a high test that may not arise in many cases. It makes clear that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. Given that the proposal would not be without benefit, and would not lead to an extensive loss of original features, I find the harm to be less than substantial in this instance.
21. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use. The appellant is of the opinion that the works would be beneficial because they would allow the building to be returned to a viable use that would secure its future. Notwithstanding any enforcement action, the continued viable use of the property as a residential dwelling is not dependent on the proposed works as the building has an ongoing residential use that would not cease in its absence. Furthermore, I have no financial evidence before me to show that the impact of the enforcement action would render this use unviable.
22. Whilst the harm to the significance of the heritage asset would be less than substantial, I have no substantiated evidence before me to suggest that any public benefit would outweigh that harm. I therefore conclude that the works would fail to preserve the special architectural and historic interest of the Grade II listed building, the setting of the Grade II historic park and garden or the setting of the Grade II Hall. This would conflict with paragraph 134 of the Framework and local policies insofar as they seek to implement the Act.

### **Other Matters**

23. I acknowledge that some of the detrimental features of the extension resulted from the need to accommodate a disabled relative. I have no evidence before me to suggest that this need is ongoing. In any event, the circumstances that have led to the enforcement action do not alter the individual merits of this appeal nor would this fact have led me to a different overall conclusion.
24. I acknowledge that the appellant submitted a planning application dated 13 August 2014 that was not validated and subsequently disposed of by the Council. However, the reasons for this lack of validation and the fact that the agreed fee was taken are not matters that are relevant to an appeal made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



**Conclusion**

25. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

*Roger Catchpole*

INSPECTOR



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# Appeal Decision

Site visit made on 7 December 2015

**by A Harwood CMS MSC MRTPI**

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

Decision date: 17 December 2015

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## **Appeal A Ref: APP/T2350/D/15/3136929**

### **1 Halstead Mews, Rimington Lane, Rimington, Lancashire, BB7 4EA**

- 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 C Garth-Jones against the decision of the Council for Ribble Valley Borough Council.
  - The application Ref 3/2015/0345, dated 9 April 2015, was refused by notice dated 21 September 2015.
  - The development proposed the erection of a two vehicle timber car port.
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## **Appeal B Ref: APP/T2350/D/15/3136935**

### **2 Halstead Mews, Rimington Lane, Rimington, Lancashire, BB7 4EA**

- 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 C Garth-Jones against the decision of the Council for Ribble Valley Borough Council.
  - The application Ref 3/2015/0333, dated 9 April 2015, was refused by notice dated 22 September 2015.
  - The development proposed is a two storey rear extension and curtilage extension to accommodate a timber car port.
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## **Procedural Matters**

1. The two appeal sites are a pair of adjoining dwellings and the appellant is the same in both cases. I have dealt with each appeal on its individual merits. However because of the similarity between the proposals, overlap of policy issues and proximity of the sites, I have prepared a single decision document.
2. Revised plans ('ADM/15/02/08 rev C' and 'ADM/15/02/04 rev A') have been submitted in relation to Appeal A. These show the car port in a slightly revised position to keep it away from the boundary hedge by 1m. From the information included on the appeal questionnaire, it appears that the Council considered these plans and I therefore consider that it is reasonable to do so within this appeal.

## **Decision Appeal A**

3. The appeal is allowed and planning permission is granted for the erection of a two vehicle timber car port at 1 Halstead Mews, Rimington Lane, Rimington,
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Lancashire, BB7 4EA in accordance with the terms of the application, Ref 3/2015/0345, dated 9 April 2015, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans referenced: 'ADM/15/02/08 rev C' and 'ADM/15/02/04 rev A'.

### **Decision Appeal B**

4. The appeal is dismissed.

### **Main Issue**

5. The main issue in both appeals is the effect of the proposals upon the character and appearance of the area. In considering this issue I shall have special regard to the desirability of preserving the setting of Halstead Farmhouse which is a listed building (the farmhouse).

### **Reasons**

6. The appeal sites are located within open, attractive countryside which is to the east of the settlement of Rimington. Reference is made by the Council to the farm being within an Area of Outstanding Natural Beauty (AONB) although the appeal questionnaire in both cases indicates that the sites are not. Although the setting of the AONB is referred to, from the information provided it is not clear where the boundary of that designation is relative to the appeal sites.
7. The farmhouse is located to the south west of the sites. The two dwellings No 1 and 2 are two storey semi-detached dwellings which have a simple linear form which is approximately at a right angle to the linear axis of the farmhouse. Between these and the farmhouse is a courtyard which has been partially separated from the dwellings by a conifer hedge. There is a good degree of space remaining between the buildings even though there is a detached outbuilding to south east of the farmhouse separated from it by a landscaped garden which is also enclosed by the hedge. There is a separate driveway leading to the appeal sites via an access through the hedge to the north east.
8. The appellant has provided an aerial photograph showing the site before substantial agricultural buildings were removed. The character has changed substantially since that time with the establishment of further residential uses instead of those agricultural buildings. The farmhouse appears to be the remaining remnant of the historic linear farmstead. The new dwellings on the appeal sites form a substantial barrier between the land around the farmhouse and the open fields to the north east.
9. The lane around the west and northern boundary of the site is close to the rear wall of the farmhouse at a similar level. From the west the gable end of the farmhouse can be seen through the trees along the boundary and the appeal sites are within the background, at a lower level and do not play much part in the setting of the farmhouse. As one moves around to the east within the lane, the farmhouse blocks views through to the site and then once past it the buildings within the appeal site become evident with the gable end of No 1

(appeal site A) facing the road. From the north, a gable end of the farmhouse is seen alongside No 1, the growing hedge interrupting views from this direction.

10. The clearest view of the site and all of the buildings as well as surrounding land is from the higher road to the south east. From there, the farmhouse, its garden area and outbuilding as well as the appeal sites are on much lower land at the base of a hillside. The land up to the north eastern boundary fencing is visible over and through the hedge bounding the road. From this direction the gable end of No 2 (appeal site B) can be seen alongside the farmhouse although there is a distinct separation between the buildings. There has clearly been domestication of the land around the farmhouse but at the moment the land within the appeal sites is open and this plays a positive role in the rural setting.

#### *Appeal A*

11. A detached car port is proposed to be constructed close to the entrance of the sites. It would be over 3.9m high with a slate ridged roof with timber boarded sides and rear elevation. The building would be seen from the lane to the north of the site, above the hedge and also from the higher road to the south east. However, it would be a long way from the farmhouse and the dwellings would be between the new structure and the listed building. Whilst this would provide a further encroachment of domestic activity to the north east of the site, it would also provide shelter for domestic paraphernalia that is likely to be within the garden in any event, such as vehicles. The building would be viewed up against the hedge and constructed of materials that would help it blend with the landscape rather than stand out.
12. In relation to the main issue, I consider that the proposal would not have a harmful effect the character and appearance of the area and would preserve the setting of the farmhouse. This would comply with policies DMG1 and DME4 as well as key statements EN2 and EN5 of the Core Strategy<sup>1</sup> (CS).
13. The Council has suggested the standard time limit and compliance with the approved plans conditions. These are clearly necessary. The Council has also suggested a condition requiring that the materials should match those in the existing building. However, the car port would be largely constructed of timber with a slate roof as shown on the plans. The lack of timber for external walling of the dwelling means that such a condition would not be consistent with the condition requiring compliance with the plans.

#### *Appeal B*

14. A car port of similar design and proportions is proposed to be constructed to the south eastern side of No 2 (appeal site B). In order to accommodate this, a small increase in the extent of domestic garden is proposed. A two storey extension is also proposed on the south western elevation of this dwelling.
15. The space between the farmhouse and other buildings is an important part of its setting as exists now. The redevelopment of the site has brought a new chapter in the history of that building and its setting. I do not consider that a comparison with the amount of buildings that used to be at the site is of major significance to this case. The two storey extension would substantially close the

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<sup>1</sup> Core Strategy 2008-2028, A Local Plan for Ribble Valley, Adoption Version

gap between the dwelling and the farmhouse, reducing the space around the building and interrupting the views of the countryside beyond. Even if the extension is not implemented, the car port would also contribute to this reduction of space and change the rural setting. The existing outbuilding which I am told was approved as a swimming pool enclosure has already altered these attributes of the setting of the farmhouse and further buildings would worsen that impact.

16. The new buildings would be close to the existing structures rather than encroaching further into the undeveloped countryside. In terms of design and use of natural materials the proposed structures would respect the setting. Furthermore the small increase in garden area would not have a harmful impact in these respects.
17. I therefore consider that whilst there would not be harm to the visual qualities of the landscape, the additional buildings would be to the detriment of the setting of the farmhouse due to the suburbanising effect and reduction of space around it. In relation to the main issue, the proposals would have an acceptable effect upon the character and appearance of the surrounding countryside but would not preserve the setting of the listed farmhouse. The proposal would comply with CS policy DME2 and CS key statement EN2 but not with CS policies DMG1 and DME4 or key statement EN5.
18. The garden extension is not completely severable from the proposed car port and cannot therefore be approved by splitting the decision in relation to appeal B. I can appreciate that the weather during winter months can be harsh in this location. It would be a benefit to the applicant or occupant of the dwelling to have a shelter for a vehicle and keeping some other domestic paraphernalia stored in a building would have wider benefits. I give some weight to these matters. Although there were once other buildings on site, they no longer exist and I do not view these proposals as a replacement for those.
19. Overall I consider that there are insufficient public benefits from the proposals to outweigh the less than substantial harm to the setting of the listed farmhouse.

**Conclusion - Appeal A**

20. For the reasons given above and having regard to all other matters raised, I conclude that appeal A should be allowed.

**Conclusion - Appeal B**

21. For the reasons given above and having regard to all other matters raised, I conclude that appeal B should be dismissed.

*A Harwood*

INSPECTOR



## Appeal Decision

Site visit made on 7 December 2015

by **A Harwood CMS MSC MRTPI**

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

Decision date: 17 December 2015

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### **Appeal A Ref: APP/T2350/D/15/3136929**

#### **1 Halstead Mews, Rimington Lane, Rimington, Lancashire, BB7 4EA**

- 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 C Garth-Jones against the decision of the Council for Ribble Valley Borough Council.
  - The application Ref 3/2015/0345, dated 9 April 2015, was refused by notice dated 21 September 2015.
  - The development proposed the erection of a two vehicle timber car port.
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### **Appeal B Ref: APP/T2350/D/15/3136935**

#### **2 Halstead Mews, Rimington Lane, Rimington, Lancashire, BB7 4EA**

- 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 C Garth-Jones against the decision of the Council for Ribble Valley Borough Council.
  - The application Ref 3/2015/0333, dated 9 April 2015, was refused by notice dated 22 September 2015.
  - The development proposed is a two storey rear extension and curtilage extension to accommodate a timber car port.
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### **Procedural Matters**

1. The two appeal sites are a pair of adjoining dwellings and the appellant is the same in both cases. I have dealt with each appeal on its individual merits. However because of the similarity between the proposals, overlap of policy issues and proximity of the sites, I have prepared a single decision document.
2. Revised plans ('ADM/15/02/08 rev C' and 'ADM/15/02/04 rev A') have been submitted in relation to Appeal A. These show the car port in a slightly revised position to keep it away from the boundary hedge by 1m. From the information included on the appeal questionnaire, it appears that the Council considered these plans and I therefore consider that it is reasonable to do so within this appeal.

### **Decision Appeal A**

3. The appeal is allowed and planning permission is granted for the erection of a two vehicle timber car port at 1 Halstead Mews, Rimington Lane, Rimington,
-

Lancashire, BB7 4EA in accordance with the terms of the application, Ref 3/2015/0345, dated 9 April 2015, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans referenced: 'ADM/15/02/08 rev C' and 'ADM/15/02/04 rev A'.

### **Decision Appeal B**

4. The appeal is dismissed.

### **Main Issue**

5. The main issue in both appeals is the effect of the proposals upon the character and appearance of the area. In considering this issue I shall have special regard to the desirability of preserving the setting of Halstead Farmhouse which is a listed building (the farmhouse).

### **Reasons**

6. The appeal sites are located within open, attractive countryside which is to the east of the settlement of Rimington. Reference is made by the Council to the farm being within an Area of Outstanding Natural Beauty (AONB) although the appeal questionnaire in both cases indicates that the sites are not. Although the setting of the AONB is referred to, from the information provided it is not clear where the boundary of that designation is relative to the appeal sites.
7. The farmhouse is located to the south west of the sites. The two dwellings No 1 and 2 are two storey semi-detached dwellings which have a simple linear form which is approximately at a right angle to the linear axis of the farmhouse. Between these and the farmhouse is a courtyard which has been partially separated from the dwellings by a conifer hedge. There is a good degree of space remaining between the buildings even though there is a detached outbuilding to south east of the farmhouse separated from it by a landscaped garden which is also enclosed by the hedge. There is a separate driveway leading to the appeal sites via an access through the hedge to the north east.
8. The appellant has provided an aerial photograph showing the site before substantial agricultural buildings were removed. The character has changed substantially since that time with the establishment of further residential uses instead of those agricultural buildings. The farmhouse appears to be the remaining remnant of the historic linear farmstead. The new dwellings on the appeal sites form a substantial barrier between the land around the farmhouse and the open fields to the north east.
9. The lane around the west and northern boundary of the site is close to the rear wall of the farmhouse at a similar level. From the west the gable end of the farmhouse can be seen through the trees along the boundary and the appeal sites are within the background, at a lower level and do not play much part in the setting of the farmhouse. As one moves around to the east within the lane, the farmhouse blocks views through to the site and then once past it the buildings within the appeal site become evident with the gable end of No 1

(appeal site A) facing the road. From the north, a gable end of the farmhouse is seen alongside No 1, the growing hedge interrupting views from this direction.

10. The clearest view of the site and all of the buildings as well as surrounding land is from the higher road to the south east. From there, the farmhouse, its garden area and outbuilding as well as the appeal sites are on much lower land at the base of a hillside. The land up to the north eastern boundary fencing is visible over and through the hedge bounding the road. From this direction the gable end of No 2 (appeal site B) can be seen alongside the farmhouse although there is a distinct separation between the buildings. There has clearly been domestication of the land around the farmhouse but at the moment the land within the appeal sites is open and this plays a positive role in the rural setting.

#### *Appeal A*

11. A detached car port is proposed to be constructed close to the entrance of the sites. It would be over 3.9m high with a slate ridged roof with timber boarded sides and rear elevation. The building would be seen from the lane to the north of the site, above the hedge and also from the higher road to the south east. However, it would be a long way from the farmhouse and the dwellings would be between the new structure and the listed building. Whilst this would provide a further encroachment of domestic activity to the north east of the site, it would also provide shelter for domestic paraphernalia that is likely to be within the garden in any event, such as vehicles. The building would be viewed up against the hedge and constructed of materials that would help it blend with the landscape rather than stand out.
12. In relation to the main issue, I consider that the proposal would not have a harmful effect the character and appearance of the area and would preserve the setting of the farmhouse. This would comply with policies DMG1 and DME4 as well as key statements EN2 and EN5 of the Core Strategy<sup>1</sup> (CS).
13. The Council has suggested the standard time limit and compliance with the approved plans conditions. These are clearly necessary. The Council has also suggested a condition requiring that the materials should match those in the existing building. However, the car port would be largely constructed of timber with a slate roof as shown on the plans. The lack of timber for external walling of the dwelling means that such a condition would not be consistent with the condition requiring compliance with the plans.

#### *Appeal B*

14. A car port of similar design and proportions is proposed to be constructed to the south eastern side of No 2 (appeal site B). In order to accommodate this, a small increase in the extent of domestic garden is proposed. A two storey extension is also proposed on the south western elevation<sup>1</sup> of this dwelling.
15. The space between the farmhouse and other buildings is an important part of its setting as exists now. The redevelopment of the site has brought a new chapter in the history of that building and its setting. I do not consider that a comparison with the amount of buildings that used to be at the site is of major significance to this case. The two storey extension would substantially close the

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<sup>1</sup> Core Strategy 2008-2028, A Local Plan for Ribble Valley, Adoption Version



gap between the dwelling and the farmhouse, reducing the space around the building and interrupting the views of the countryside beyond. Even if the extension is not implemented, the car port would also contribute to this reduction of space and change the rural setting. The existing outbuilding which I am told was approved as a swimming pool enclosure has already altered these attributes of the setting of the farmhouse and further buildings would worsen that impact.

16. The new buildings would be close to the existing structures rather than encroaching further into the undeveloped countryside. In terms of design and use of natural materials the proposed structures would respect the setting. Furthermore the small increase in garden area would not have a harmful impact in these respects.
17. I therefore consider that whilst there would not be harm to the visual qualities of the landscape, the additional buildings would be to the detriment of the setting of the farmhouse due to the suburbanising effect and reduction of space around it. In relation to the main issue, the proposals would have an acceptable effect upon the character and appearance of the surrounding countryside but would not preserve the setting of the listed farmhouse. The proposal would comply with CS policy DME2 and CS key statement EN2 but not with CS policies DMG1 and DME4 or key statement EN5.
18. The garden extension is not completely severable from the proposed car port and cannot therefore be approved by splitting the decision in relation to appeal B. I can appreciate that the weather during winter months can be harsh in this location. It would be a benefit to the applicant or occupant of the dwelling to have a shelter for a vehicle and keeping some other domestic paraphernalia stored in a building would have wider benefits. I give some weight to these matters. Although there were once other buildings on site, they no longer exist and I do not view these proposals as a replacement for those.
19. Overall I consider that there are insufficient public benefits from the proposals to outweigh the less than substantial harm to the setting of the listed farmhouse.

**Conclusion - Appeal A**

20. For the reasons given above and having regard to all other matters raised, I conclude that appeal A should be allowed.

**Conclusion - Appeal B**

21. For the reasons given above and having regard to all other matters raised, I conclude that appeal B should be dismissed.

*A Harwood*

INSPECTOR

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## Appeal Decision

Site visit made on 7 December 2015

**by A Harwood CMS MSC MRTPI**

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

**Decision date: 21/12/2015**

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**Appeal Ref: APP/T2350/D/15/3137619**

**6 Woodcrest, Wilpshire, Lancashire, BB1 9PR**

- 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 D Melling against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2015/0685, dated 28 July 2015, was refused by notice dated 24 September 2015.
  - The developments proposed are single storey front extensions.
- 

### Decision

1. The appeal is allowed and planning permission is granted for single storey front extensions at 6 Woodcrest, Wilpshire, Lancashire, BB1 9PR in accordance with the terms of the application, Ref 3/2015/0685, dated 28 July 2015, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the unreferenced plans entitled 'Proposed Single Storey Front Extensions' at 1:50 and 1:100 scales.

### Main Issue

3. The main issue is the effect of the extensions on the character and appearance of the dwelling and the street-scene.

### Reasons

4. The appeal site is located on a residential estate with some variety of building styles although many of the properties are chalet style dwellings most of which have flat roof elements to the fronts and sides. The appeal building and the neighbouring property at No 7 are very different being small bungalows set back further from the estate carriageway than the other dwellings.
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5. Both extensions would have flat roofs and neither No 6 nor No 7 have flats roofs at the moment, being simple ridged roof buildings with central gables over the front entrance. The larger extension would create a replacement garage attached to the southern side, allowing the internal space of the existing garage to be used for habitable rooms. This garage would be alongside the front of the adjoining property, No 5 which is in a forward position substantially closer to the road than the bungalow at the appeal site. The replacement garage would not be prominent within the street being screened by the adjoining building when viewed from the south and seen up against it from the north. It would have more impact from the immediately in front however the existing building would still be seen and not obscured by the new garage.
6. The smaller kitchen extension on the northern side would bring that side of the property up to the line of the existing central gable. It would appear as a minor addition when viewed from the street and from the front garden of No 7. The flat roof would be at eaves levels and in my opinion would visually merge with the existing roof, with the gable appearing still as the dominant element.
7. I consider that the proposed extensions would reflect surrounding buildings and would successfully fit with the existing dwelling. In relation to the main issue, the proposals would respect the building and its context which would not harm the character and appearance of the dwelling or the surrounding street-scene. This would comply with policies DMG1 and DMH5 of the Core Strategy 2008-2028, 'A Local Plan for Ribble Valley' adopted version 2014.
8. The Council has not suggested any conditions other than the standard ones. I agree that these including one to ensure that the materials match the existing building are necessary.
9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*A Harwood*

INSPECTOR

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Robert Wordsworth  
The Planning Inspectorate  
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BS1 6PN

23210/A3/VR  
18 December 2015

Dear Robert,

**TOWN AND COUNTRY PLANNING ACT 1990**  
**APPEAL BY BDW TRADING LTD**  
**LAND EAST OF CHIPPING LANE, LONGRIDGE**

**APPEAL REFERENCE: APP/T2350/W/14/2227652**

I write in response to your letter of 17 December 2015, relating to the above appeal, which confirmed that the period of abeyance has now ended.

In accordance with the position set out in my letter to you of 10 September 2015, I can confirm that the Council has granted outline planning permission for development of the Appeal Site and the six week legal challenge period has ended without any such challenge having been made. On this basis, I can confirm that our client now wishes to withdraw the appeal.

I trust this request is clear, however, should you have any further queries please do not hesitate to contact me.

Yours sincerely,



**VINCENT RYAN**  
Associate



FS 29637

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