

Appeal Decision

Site visit made on 15 June 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 12 July 2016

Appeal Ref: APP/T2350/W/16/3146390

The Paddocks, Stoneygate Lane, Ribchester, Lancashire PR3 2ZS

- 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 Michael Reilly against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2015/0873, dated 16 November 2015, was refused by notice dated 22 January 2016.
 - The development proposed is a replacement access road to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement access road to dwelling at The Paddocks, Stoneygate Lane, Ribchester, Lancashire PR3 2ZS in accordance with the terms of the application, Ref: 3/2015/0873, dated 16 November 2015, subject to the attached schedule of conditions.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is a field, currently rough grass, located amongst agricultural fields adjacent to Stoneygate Lane. It is located to the south of a modern house, which is accessed by a tarmac surfaced track from Stoneygate Lane, and contains a fenced riding area close to the dwelling. The surrounding landscape rises to the north and consists of irregularly shaped small to medium sized fields, bounded by hedgerows and set among irregularly shaped areas of woodland. Scattered groups of farm buildings and residential properties are present within the landscape.
 4. For much of its length Stoneygate Lane is bounded by high hedges to both sides, which are a strong visual feature, with accesses to individual properties and fields generally being through short gaps in the hedgerow. At the time of my site visit the hedgerow was of sufficient height that from Stoneygate Lane it prevented views of the countryside beyond to both drivers and pedestrians.
 5. Although the proposed new access road would be longer than the existing access track to the property and would not follow any established field boundaries, it would be a ground level feature and would be screened by the hedgerow that runs alongside Stoneygate Lane. To the south of the site it is screened by a copse of trees and to the north by a group of buildings including
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- The Paddocks. Whilst the land rises to the north, there is no significant change of level to the west with the land rising uniformly and thus the proposed access road would remain at a constant elevation relative to the viewer. Even if the hedgerow were to be reduced below its current height, the access road would not be highly visible.
6. The Council suggests that whilst the hedge alongside Stoneygate Lane provides some screening, the access road would be visible to walkers on public right of way footpaths near the site. I saw that there are two public rights of way to the north of The Paddocks, however, due to intervening features in the form of buildings, hedgerows and trees, the appeal site is largely screened from these routes and due to the ground level nature of the proposed development it would not be readily visible.
 7. The Council also suggest that the access would be visible through the new access point where the hedgerow would be removed. It would be necessary to create a gap in the hedge to accommodate the proposed access and timber field gate. However, the access point is located on a part of Stoneygate Lane where the verge widens and it would not be necessary to remove significant lengths of the hedge to accommodate the required visibility splays. Due to this, any views of the proposed access road through the narrow gap and gate would be fleeting. I saw on my site visit that there are numerous other similar access points on Stoneygate Lane and such field accesses are part of the established character and appearance of the lane. The proposed timber gate in a gap in the hedgerow would thus be consistent with other accesses in the area.
 8. I note the Council's point regarding the potential for the land between the new access road and Stoneygate Lane becoming more domesticated or absorbed into the domestic curtilage as a result of the development. The appeal proposal is limited to the construction of the proposed access road and any additional development would be subject to planning controls in some form. A generalised concern of this nature is not, of itself, a reason to refuse planning permission.
 9. Although the proposed access road would be longer than the existing access track, within the context of the wider landscape it would be a relatively minor feature that would be largely screened from wider views. The development does not propose lighting on the access road and consequently it would not appear as an unduly urbanising feature. I note that the appeal site is in proximity to the boundary of the Forest of Bowland Area of Outstanding Natural Beauty (AONB), however, due to its limited scale and visibility, it would not affect either the AONB or the adjoining countryside that forms its setting.
 10. I therefore find that the proposed development would not cause harm to the character and appearance of the area and surrounding countryside and meets the requirements of Key Statement EN2 and Policies DMG1 and DME2 of the Ribble Valley Core Strategy 2014 which seek to protect the character of the landscape, ensure that new development is sympathetic to existing land uses, and protect important features of the landscape.

Other Matters

11. The Council's second reason for refusal related to insufficient information being provided in respect of the hedgerow adjacent to the appeal site to allow assessment of its ecological importance. No ecology statement was submitted with the planning application. An ecology assessment has been submitted with the appeal which concludes that the proposal would have a small scale negative ecological impact that would be mitigated by replacement planting across the existing access to The Paddocks, which would be abandoned following implementation of the appeal proposal.
12. The Council states that it accepts this conclusion and, consequently, the matter is consequently no longer in dispute between the parties. From my site visit, I have no reason to question the findings of the ecological assessment.
13. The Council have suggested that the appellant has not justified the need for the access road and that the proposed new access would not be any safer than the existing access. The policies in the development plan do not require that special or exceptional circumstances are demonstrated to justify new development in the countryside, and as a general principle it is not necessary to demonstrate that there is a need for development. Highway safety was not a reason for refusal and I note that the Highway Authority have no objection to the proposal.

Conditions

14. I have had regard to the conditions suggested by the Council. To provide certainty as to what has been approved, I have imposed a condition specifying the approved plans. In order to ensure that the proposed development is in keeping with the countryside setting it is also necessary to attach a condition requiring that a method statement for its construction and the surface materials for the proposed road to be approved.
15. Due to the high potential for Roman remains to be present beneath the appeal site it is also necessary to impose a condition requiring archaeological investigation and recording. Archaeological investigations must necessarily be undertaken before other works start on the site to avoid the potential disturbance of any archaeological evidence and due to the countryside location it is necessary for the construction method statement to be approved before development commences to ensure that appropriate construction techniques and materials are used.
16. In the interests of highway safety it is necessary to ensure that the existing access is closed off in order to minimise the number of accesses to this minor road and that appropriate visibility splays are provided at the new access point.
17. In order to mitigate the effect of removing part of the hedgerow to create the new access it is also necessary to require replacement planting and that the development is carried out in accordance with the specified mitigation. The appellant has, rightly, pointed out that it is impractical for the abandonment of the existing access and the replanting of the hedgerow to happen simultaneously with the construction of the new vehicular access. I have consequently reworded the suggested conditions to ensure that access to the site is retained and reinstatement occurs following completion of the new access.

18. The Council have suggested that a condition is required that prevents clearance of vegetation during the bird nesting season. Nesting birds are protected by the Wildlife and Countryside Act 1981 and it is not necessary to have a condition that replicates the provisions of other, separate, legislation. Similarly the Council have suggested a condition requiring the developer to enter into an agreement under S184 of the Highways Act 1980. This Act regulates works within the highway and the suggested condition is not necessary as it duplicates the requirements of the Highways Act.
19. The Council have also suggested that a condition should be imposed removing permitted development rights to erect gates, walls or fences on the appeal site. The National Planning Practice Guidance advises that permitted development rights should only be removed in exceptional circumstances. I have no substantive evidence before me which indicates that there are exceptional circumstances that would make it reasonable to remove permitted development rights.

Conclusion

20. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1198-PL-01A (Location Plan) and 1198-PL-03B (Proposed Site Layout)
- 3) No development shall commence until full details of the method of construction of the new vehicular access including the colour, form and texture of all hard landscaping (ground surfacing materials) have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details.
- 4) No development shall take place until a Written Scheme of Investigation shall have been submitted to, and approved in writing by, the local planning authority. The scheme shall include an assessment of significance and research questions and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 5) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4.
- 6) The access to Stoneygate Lane hereby approved shall incorporate visibility splays measuring 2.0 metres by 114 metres in both directions, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Stoneygate Lane. Thereafter, the land within these splays shall be maintained free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
- 7) The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire Council Specification for Construction of Estate Roads within one month of the completion of the new access to Stoneygate Lane.
- 8) Within three months of the new access being brought into use, a hedgerow comprising of native species shall be planted across the existing access point in accordance with the details contained in the Ecological Appraisal dated March 2016. Any plants which are found to be dead, damaged or dying during the first five years following planting shall be replaced and the hedgerow thereafter retained.

- 9) The development shall be carried out in accordance with the recommendations in Section 5 (Mitigation and Enhancement) of the Ecological Appraisal dated March 2016.

Appeal Decision

Site visit made on 21 June 2016

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 12 July 2016

Appeal Ref: APP/T2350/W/16/3146494

Mayfield, Ribchester Road, Clayton le Dale, Lancashire BB1 9EE

- 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 Mark Hindle against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0095, dated 20 January 2016, was refused by notice dated 1 March 2016.
 - The development proposed is described as proposed alterations to the existing dwelling to convert the property into three separate retirement homes.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Whilst the appeal property is named as 'Maveril' on the application form, it is called 'Mayfield' in subsequent documents and I have drafted the site address accordingly.

Main Issue

3. The main issue for the appeal is whether the appeal proposal would harm the development strategy for the borough and give rise to sustainable development.

Reasons

4. Key Statement DS1 of the Ribble Valley Borough Council Core Strategy 2008-2028 A Local Plan for Ribble Valley adopted 2014 (Core Strategy), sets the development strategy for the area. It states that the majority of new housing development will be concentrated within an identified strategic site and three principal settlements, with other development, other than that for proven local needs, being focused within Tier 1 settlements, including Wilpshire. The parties agree that the appeal site is situated outside the settlement boundary of Wilpshire/Salesbury and I note that the appellant states that the appeal site is situated about 400 metres from the settlement boundary as defined in the replaced Ribble Valley District Wide Local Plan.
 5. Core Strategy Policy DMG2 includes that development in Tier 1 villages should consolidate, expand, or round off development so that it is closely related to the main built up areas. I saw at my site visit that the appeal proposal concerns a large dwelling which is situated within linear development along
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Ribchester Road. I consider that the appeal site is not closely related to the main built up area of Wilpshire/Salesbury, given the distance between it and Salesbury along a ribbon of development. Consequently, in terms of the Council's development strategy, the appeal site should be considered as being in the 'countryside' as it does not fall within a defined settlement. Given that there is no dispute that the Council can demonstrate a five year supply of deliverable housing sites, which is not a maximum figure, the relevant policies for the supply of housing should be considered up to date in accordance with the provisions of the National Planning Policy Framework (the Framework). Although the appeal site is clearly some distance away from the main body of the settlement, it is not however in an isolated countryside location.

6. The appellant has referred to the Core Strategy which sets a housing requirement for Wilpshire of 66 dwellings, and states that there is a further 45 dwellings to provide and that there are not up to date settlement boundaries. However, the Core Strategy was only adopted in 2014 and the strategy should be given time to be implemented. In any event, the provision of two additional dwellings would take place outside of the main built up area of Wilpshire/Salesbury.
7. The appeal proposal is concerned with the alteration of the existing dwelling to form three dwellings. Whilst the scheme is not a new build development, it would nevertheless give rise to a net increase of two dwelling units outside of a defined settlement. This is an intensification of use of the building in terms of the number of dwelling units and whilst I note the comment that the overall numbers of occupants may not alter, the proposal is nevertheless likely to give rise to a requirement for additional travel with the building occupied by three separate households.
8. In respect of the sustainability of the appeal site, there are some local facilities within reasonable walking distance of the appeal site in Salesbury, including a public house, community hall, parish church, hairdressers, primary school and recreational facilities. The access to these would be via a lit footway. I also note that there is a bus stop near the appeal site, with services of limited frequency during the day, which offer some access to a number of locations and other public transport connections including by rail. However, whilst I note the reference by the appellant to shops in Wilpshire, it has not been demonstrated that the appeal site is in reasonable proximity to food shops or other facilities such as medical services, necessary to meet day to day needs of the future occupiers or to employment opportunities. I note the reference to the former PPG13 but as it is no longer in place I do not give it weight.
9. Consequently, whilst there are some public transport services available and some services and facilities in Salesbury, I consider that the future occupiers of the proposed dwellings would nevertheless, be reliant upon the private car for many essential day to day activities which it has not been demonstrated are available locally. The appeal proposal would perpetuate therefore an unsustainable pattern of development, placing further reliance upon the private car.
10. Core Strategy Policy DMH3 sets out that residential development within the open countryside will be limited to development essential for the purposes of agriculture or residential development which meets an identified local need, or the appropriate conversion of buildings provided they are suitably located. No

such need has been demonstrated in this case and I have found that the proposed dwellings would not be suitably located in respect of access to services.

11. I have considered the Council's argument that the current proposal would set a precedent for similar developments in the countryside. Whilst each application and appeal must be treated on its individual merits, I can appreciate the Council's concern that approval of this proposal could be used in support of such similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the number of properties in the area where such development could be proposed. Allowing this appeal would make it more difficult to resist further planning applications for similar developments which could undermine the Council's development strategy and I consider that their cumulative effect would exacerbate the harm which I have described above.
12. I consider therefore that the appeal proposal would harm the development strategy for the borough and not give rise to sustainable development. Consequently, it would conflict with the development strategy as set out in Key Statement DS1 of the Core Strategy. It also conflicts with Core Strategy Policy DMG2, which states that development should be in accordance with the development strategy and sets out the circumstances when development would be acceptable outside defined settlement areas and the countryside. The appeal proposal also does not accord with Core Strategy Policy DMH3. It has been put to me that Core Strategy Policy DMG3 states that in addition to assessing proposals within the context of the development strategy considerable weight will be given to the adequacy of public transport and associated infrastructure. However, this assessment requirement is additional to the assessment against the development strategy and does not outweigh. Similarly, given that the policies related to the supply of housing are up to date, I have determined the appeal against those in accordance with Core Strategy Key Statement DS2.

Other matters

13. Whilst I note the comment that the appeal property is a large dwelling and it has not proved possible to sell it in present form, no information is before me in respect of the marketing of the dwelling and therefore I give this little weight. It has been submitted that windfall plots should be determined according to their unique circumstances, however in this case, I have found that the appeal proposal conflicts with the development plan.
14. The appellant has referred to a number of policies of the Framework and the Core Strategy which I have considered. However, whilst I note that the scheme involves little new construction work, I do not consider however that the appeal proposal is sustainable development for which there is a presumption in favour.
15. Whilst I note the comment by the appellant that the Council has been inconsistent in decision making, that is a matter for outside of the appeal process. The appellant has referred to a planning appeal at Whalley (APP/T2350/W/15/3003003) and an application for a bungalow at Rose Garth 197 Ribchester Road. From the limited details provided, I am unable to form a view as to whether these developments are sufficiently similar to the appeal scheme and if so whether they should provide an indication of what should be

followed in this case given the harm found. I note that the planning permission for the dwelling formed from the former annex to Mayfield was granted when the settlement boundary was in place but prior to the Core Strategy being adopted and the Framework being published.

16. I concur that the limited external changes proposed to the building would not harm the character and appearance of the countryside or conflict with the development plan in this regard. I also note that the appellant considers that the matter raised by the Council in respect of the proposed dormers could be dealt with by way of a planning condition if I were so minded to allow the appeal. However these matters do not change my overall conclusion.
17. The description of development refers to the provision of retirement homes which is clarified in evidence as being for people being over 55 years old for which there is said to be demand. However, there is no substantive evidence before me that such occupancy would be any less harmful than with unrestricted housing.

Conclusion

18. For the given above and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR

Appeal Decision

Site visit made on 22 June 2016

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 12 July 2016

Appeal Ref: APP/T2350/D/16/3149059

22 Simonstone Lane, Simonstone, Lancashire BB12 7NP

- 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 Sam Brown against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0086, dated 26 January 2016, was refused by notice dated 30 March 2016.
 - The development proposed is the erection of a two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although not referred to in the Council's reason for refusal, the Planning Officer's report and the appeal questionnaire identify that the appeal property is situated within the Green Belt. The views of the parties concerning the relevance of the property being sited within the Green belt have been sought.
3. A front porch was originally part of the scheme but was deleted prior to the determination of the appeal application.

Main Issues

4. It is considered that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - (b) The effect of the development on the openness of the Green Belt and the purposes for including land within it;
 - (c) The effect of the development on the visual amenity of the Green Belt and character and appearance of the surrounding area, including the streetscene, and the host property; and
 - (d) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other
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considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development for the purposes of the Framework and development plan policy

5. The Framework refers to the alteration or extension of a building as not being inappropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. What is a disproportionate addition to an original building is not defined in the Framework.
6. Based upon the site visit, the appeal property as it currently exists appears to be unaltered and can reasonably be considered to be the original building. The level of accommodation indicated on the existing layout drawing is modest and this is a matter addressed later in this decision letter. An inspection of the existing and proposed drawings indicates that the proposed 2-storey extension to the rear and partially to the side of the property would almost double both the floorspace and volume of the original dwelling.
7. By reason of scale, the proposed development would be a disproportionate addition to the original property and it is, therefore, concluded that it would be inappropriate development in the Green Belt and, as such, it would conflict with the Framework. Paragraphs 87 and 88 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be attached to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The question of any other harm and the other matters in this case are now considered.

The effect of the development on the openness of the Green Belt and the purposes for including land within it

8. Paragraph 79 of the Framework states that one of the essential characteristics of Green Belts is their openness. The proposed development would increase the size and visual bulk of the property. Although the rear part of the appeal scheme would be related to the depth of Simonstone House, there would be a narrowing of the gap between the property and the adjacent bungalow which would be detrimental to the openness of the Green Belt.
9. For this reason, the proposed development would adversely affect the openness of the Green Belt and, as such, it would conflict with the Framework and Key Statement EN1 of the Ribble Valley Borough Council Core Strategy 2008-2028 (CS) concerning development preserving the openness of the Green Belt. The degree of harm to the Green Belt's openness would only be limited.
10. The proposed development would be wholly contained within the residential curtilage of the property. For this reason, it is concluded that the proposed development would not conflict with the purposes of the Green Belt as identified at paragraph 80 of the Framework, in particular safeguarding the

countryside from encroachment. There would not be a conflict with CS Key Statement EN1 concerning development not conflicting with the purposes of the designated Green Belt.

The effect of the development on the visual amenity of the Green Belt and character and appearance of the surrounding area, including the streetscene, and the host property

11. The property is located within a linear form of residential development, including Bank Terrace, fronting Simonstone Lane. To the north there is residential development in depth with dwellings fronting Tunstead Avenue. The external materials are predominantly stone walls with pitched roofs of tile or slate. Some of the dwellings have been extended but the planning circumstances of these alterations are unavailable to me. Some elevations have also been rendered or painted, particularly to the rear of properties. Open countryside generally surrounds these dwellings with an industrial area to the south beyond a disused railway formation.
12. As noted, the width of the proposed extension would encroach into the gap between the property and the adjacent bungalow. Although there would be an adverse effect on the openness of the Green Belt, the setting back of the proposed extension would not result in an unacceptable effect on the appearance of the streetscene. There would be no obvious terracing effect caused by the loss of the gap between the properties.
13. The depth of the rear part of the proposed extension would accord with the rear elevation of Simonstone House which was a public house and is now in residential use. This part of the appeal scheme would not be noticeable from the road or other public vantages. The choice of external materials would assist with the assimilation of the proposed rear extension as part of the property and the adjacent Simonstone House. For these reasons, concluded that the visual amenity of the Green Belt and character and appearance of the surrounding area, including the streetscene, would not be materially harmed by the appeal scheme. No specific conflict has therefore been identified with CS Policy DME2 concerning protection of the landscape.
14. However, I share the Council's concerns that the scale of the proposed development would not amount to a subservient extension to the property. Further, the form of the proposed extension, specifically the encroachment into the gap, would represent an incongruous and unsympathetic addition which would fail to harmonise or integrate with the simple form of the host property. The use of matching external materials would not address this harm.
15. Accordingly, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of host the property and the surrounding area and, as such, there would be a conflict with CS Key Statement EN2 and Policies DMG1 and DME5. Amongst other matters, these policies require development to be in keeping with the vernacular style, scale and features and residential extensions to integrate with the main dwelling. These policies are consistent with Framework's core principle of securing high quality design.

If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

16. The appeal scheme has been judged to not cause harm to the purposes and visual amenity of the Green Belt. However, these matters merely result in there being no additional harm to that arising from the inappropriate development and the weight attached to them needs to be tempered accordingly. Therefore, moderate weight has been attached to these matters. Similar weight is attached to the absence of unacceptable harm being caused to the character and appearance of the surrounding area, including the streetscene.
17. The property's level of accommodation is modest and it may be appropriate for an increase in the floorspace to improve the accommodation. However, this potential benefit needs to be balanced against the harm caused by the design and form of the proposed extension, particularly by reason of the side addition. For this reason, only limited weight given to this matter in the determination of this appeal.
18. The effect of the proposed development on the living conditions of the occupiers of neighbouring properties and off-street car parking provision are not the subject of objection from the Council and there are no reasons to disagree with the assessments which have been made. However, these matters do not materially alter the main issues in this case and are, therefore, only given limited weight in the determination of this appeal.

Conclusion

19. These other considerations, even when taken together, do not clearly outweigh the harm by reason of inappropriateness, the limited harm to the openness of the Green Belt, the unacceptable harm to the character and appearance of the host property and the conflict with national and local policy. Accordingly, it is concluded that the very special circumstances required to justify the development do not exist and, taking into account all other matters, this appeal should fail.

D J Barnes

INSPECTOR



Appeal Decision

Site visit made on 11 July 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 14 July 2016

Appeal Ref: APP/T2350/W/16/3146979

Former Golf Driving Range, Upbrooks, Lincoln Way, Clitheroe

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by James Alpe Developments Ltd against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0159, dated 9 February 2015, was approved on 14 January 2016 and planning permission was granted subject to conditions.
 - The development permitted is the erection of 21 industrial units (B1 and B2 use) and layout of estate road and parking areas.
 - The condition in dispute is No 7 which states that: *"No development shall take place until a scheme for the offsetting of biodiversity impacts at the site has been submitted to and approved in writing by the local planning authority and until the developer has purchased the requisite conservation credits as evidenced through the submission of the issued Conservation Credit certificates for the identified receptor site [Primrose Lodge, Clitheroe]. The details of offsetting shall include: 1. the identification of receptor site[s]; 2. a management and monitoring plan [to include for the provision and maintenance of such offsetting measures for not less than 25 years from the date of this consent]; 3. the provision of contractual terms to secure the delivery of the offsetting measures; 4. a Conservation Credit Certificate as proof of purchase of the offset credit. The development shall not be commenced until the local planning authority has received payments as calculated by the Environment Bank"*.
 - The reason given for the condition is: *"In order to minimise impacts on biodiversity and compensate for residual harm of development and to comply with Policy DME3 of the Ribble Valley Core Strategy Adopted Version"*.
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Decision

1. The appeal is allowed and the planning permission Ref 3/2015/0159 for the erection of 21 industrial units (B1 and B2 use) and layout of estate road and parking areas at Former Golf Driving Range, Upbrooks, Lincoln Way, Clitheroe granted on 14 January 2016 by Ribble Valley Borough Council, is varied by deleting condition Nos 7 and 2 and substituting condition No 2 with the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the details shown on drawing Nos: Location Plan ALPE 14b/DWG 00 Issue C, Existing Site Plan ALPE 14b/DWG 01 Issue A, Proposed Site Plan ALPE 14b/DWG 02 Issue F, Proposed Roof Plan ALPE 14b/DWG 03 Issue B, Proposed Elevations Building 1 ALPE 14b/DWG 04 Issue B, Proposed Sections Building 1 ALPE 14b/DWG 05 Issue D, Proposed Elevations Building 2 ALPE 14b/DWG 06 Issue B, Proposed Sections Building 2 ALPE 14b/DWG

07 Issue B, Proposed Drainage Plan ALPE 14b/DWG 08 Issue C, Landscaping Plan ALPE 14b/DWG 09 Issue C and Biodiversity Plan ALPE 14b/DWG 10 Issue C.

Background and Procedural Matter

2. It would appear that part way through the determination of planning application 3/2015/0159 the planning application site was reduced in size and a strip of land which was proposed for additional tree planting (along the eastern boundary of the site) was removed due to some land ownership issues.
3. The Council considered that it was necessary to impose planning condition No 7 which effectively requires conservation credits to be purchased (coupled with the submission of a management and monitoring plan) for a site referred to as Primrose Lodge, Clitheroe which is approximately 1.6 km to the south east of Lincoln Way. It is understood that Defra are piloting the use of the Primrose Lodge site as one which can be used for "biodiversity off setting" purposes.
4. The appellant has provided an extract from the Environment Bank which states that there would be a requirement to pay £39,222.94 (plus VAT) to the Local Planning Authority, the money of which would be used for the Primrose Lodge site for "amenity enhancement" and "woodland restoration").
5. The Council has confirmed that condition No 2, which relates to approved drawing numbers, should in fact have referred to Proposed Landscaping Plan APLPE/14b DWG 09 Issue C and not ALPE/14b/DWG 09 Issue B, and Proposed Drainage Plan ALPE 14b/DWG 08 Issue C and not Proposed Drainage Plan ALPE 14b/DWG 08 Issue E. These plans related to the original planning application submission and the appellant reverted back to them due to some land ownership issues. I have determined this appeal based on these plans.

Main Issues

6. The main issues are (i) whether or not condition No 7 of 3/2015/0159 meets the six tests for planning conditions; and (ii) if not, whether or not it would be necessary for a bio diversity off setting contribution to be secured by means of a planning obligation.

Reasons

Planning Condition Tests

7. Paragraph 206 of the National Planning Policy Framework (the Framework) states that planning conditions should only be imposed where they are "*necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects*".
8. Further advice is provided in the National Planning Practice Guidance (NPPG) which states at paragraph 10 that "*planning permission should not be granted subject to a positively worded condition that requires the applicant to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 or an agreement under other powers. Such a condition is unlikely to pass the test of enforceability*".
9. Planning condition No 7 requires that prior to the commencement of development the appellant should include an offsetting scheme which would include the provision of contractual terms to secure the delivery of offsetting

measures. It is not clear what the contract would be, but I consider that this would either be a Section 106 agreement or an "agreement under other powers".

10. Either way, the planning condition conflicts with paragraph 10 of the NPPG and would not be enforceable, and hence would not meet all six of the planning condition tests. I acknowledge that the NPPG does state that "*in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk*". However, I do not consider that the proposal is complex or strategically important and I have not seen any evidence that the delivery of the development is/was at risk: hence there are no exceptional circumstances. Furthermore, even if such an approach was justified, the NPPG states that "*the heads of terms or principal terms need to be agreed prior to planning permission being granted to ensure that the test of necessity is met and in the interests of transparency*". This did not happen prior to the imposition of the planning condition.
11. I conclude that the condition does not meet all of the six tests as outlined in Paragraph 206 of the Framework. In this regard, it should not have been imposed. I note the appellant's reference to paragraph 5 of the NPPG which states that "*no payment of money or other consideration can be positively required when granting planning permission*". There is some dispute as whether or not the condition is positively or negatively worded. However, it has not been necessary for me to consider this matter further, as I have found that condition No 7 should not have been imposed for other reasons.

Planning Obligation

12. For the reasons outlined above, I have concluded that condition No 7 should not have been imposed. However, and notwithstanding the comments made by the appellant, in determining this appeal Section 79(1) of the Town and Country Planning Act allows me to "*(a) allow or dismiss the appeal, or (b) reverse or vary any part of the decision of the Local Planning Authority (whether the appeal relates to that part or not) and may deal with the application as if it had been made to him in the first instance*". Consequently, it is necessary for me to consider whether or not there would be a requirement for a financial payment for biodiversity off setting (or in respect of any other matters), and, if so, whether or not the absence of a planning obligation would mean that I am required to reverse the original decision and refuse planning permission.
13. I have considered the Extended Phase 1 Habitat Survey and Protected Species Survey Assessment (Phase 1 Survey) submitted by the appellant. I have no reason to doubt the conclusions reached by the appellant's ecologist who states at paragraph 3.1.3 of the Phase 1 Survey that "*the habitats lost to development do not meet any guidelines for Lancashire BAP habitat status. The habitat (primarily improved grassland) and plant species recorded on the site are common and widespread and are considered to be of local (parish) value*". I do not consider that there is any reasonable evidence to suggest that this site (neither a statutory or non-statutory designated site) has any significant biodiversity value: there were no protected species found on the site.

14. I acknowledge that there is a SSSI, a Biological Heritage Site and a Local Nature Reserve close to the site (as indicated in appendix 2 of the Phase 1 Habitat Survey), but I have not been provided with any objective evidence to demonstrate that the proposal would have an “adverse effect” on these designated areas. In respect of bats, the Phase 1 survey does recommend the maximisation/enhancement of boundary buffer zones, particularly along the stream corridor off the southern and eastern site boundaries to ensure that potential foraging routes are maintained. Whilst the amount of new tree planting was reduced part way through the determination of the planning application, there is nonetheless some additional buffer planting on these boundaries (as per the biodiversity plan submitted by the appellant). I have not been provided with any compelling objective evidence to indicate why the planting would not constitute acceptable enhancement.
15. For the reasons outlined above, I conclude that it is not necessary to make a financial contribution towards biodiversity off setting (or in respect of any other alleged harm), and I find no conflict with the biodiversity or landscape character aims of Policies DMG1, EN2 and DME 3 of the Ribble Valley Core Strategy Adopted Version 2008-2028, or paragraph 118 of the Framework. Consequently, there would be no requirement for the appellant to complete a planning obligation.

Other Matters

16. The appellant has drawn my attention to planning condition No 2 which relates to the approved drawing numbers. The Council have confirmed that this planning condition does not accurately reflect the list of planning drawings which were considered as part of the determination of planning application reference No 3/2015/0159. In particular, drawing No ALPE/14b/DWG 09 Issue B should have been drawing No APLPE/14b DWG 09 Issue C, and Proposed Drainage Plan ALPE 14b/DWG 08 Issue E, should have been Proposed Drainage Plan ALPE 14b/DWG 08 Issue C. I shall vary the planning permission to rectify these errors.

Conclusion

17. In conclusion, the planning condition should not have been imposed as it does not meet all of the six tests outlined in the Framework. In addition, and based on the evidence before me, the development would not have an adverse affect upon biodiversity or any other matters. Consequently, I do not consider that there is any need for a planning obligation. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed. I will vary the planning permission by deleting the disputed condition and will amend planning condition No 2 as agreed by the Council.

Daniel Hartley

INSPECTOR

Appeal Decision

Site visit made on 11 July 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 14 July 2016

Appeal Ref: APP/T2350/W/16/3148586

Stydd Garden Centre, Stydd Gardens, Stoneygate Lane, Ribchester, Lancashire PR3 3YN

- 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 Mrs R Pyle against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0174, dated 16 February 2016, was refused by notice dated 12 April 2016.
 - The development proposed is the erection of a new shed (1) for the sale of delicatessen products with light refreshments.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The shed has already been built.
3. I have used the site address from the Council's decision notice as this correctly refers to the site as being part of Stydd Garden Centre.
4. I have also dealt with another appeal (Ref APP/T2350/W/16/3148589) on this site which is the subject of a separate decision.

Main Issue

5. The main issue is whether or not there would be adequate car parking within the site and, if not, whether or not the proposal would result in on street car parking to the detriment of highway safety.

Reasons

Site and proposal

6. The site forms part of an established garden centre which includes an existing restaurant. The proposal is for the erection of a shed (single storey) constructed out of softwood ship lap boarding with stained softwood windows and doors and a bitumous felt pitched roof with softwood vertical weather battens. It is sited along the southern boundary of the car park close to the entrance of the site with Stoneygate Lane. It is understood that there was previously a larger shed on the site, which was erected pursuant to planning permission 3/2014/0265 (approved 2 June 2014) and used as a beauty salon

including a decked entrance area and a decked side area. I have viewed the approved plans for this building and it included a reception area, 2 treatment rooms, a store/kitchen and a toilet room (approximately 62 square metres).

7. The appeal building measures approximately 7.3 metres x 4.8 metres (about 35 square metres) and includes a timber decked area (with ramp and steps) to the front which is about 3.0 metres in depth. It is proposed to use the shed for the sale of delicatessen products including light refreshments (tea, coffee and snacks) to be eaten in or taken away. The appellant has confirmed to the Council that there would be maximum seating for 16 people.

Car parking and highway safety

8. The Council has confirmed that it does not have its own adopted car parking standards (email dated 24 May 2016). However, Policy DMG 3 of the adopted Core Strategy 2008-2028 "A Local Plan for Ribbles Valley" (Core Strategy) states that "*all development proposals will be required to provide adequate car parking and servicing space in line with currently approved standards*". The Council have confirmed that the standards that they use, and which formed part of the evidence base in terms of the examination into the Core Strategy, are as contained within the Joint Lancashire Structure Plan 2005 (JLSP). In effect, the Council is saying, and notwithstanding the status of the JLSP, that these standards are the "approved standards" for the purposes of considering car parking provision. I have not been provided with any evidence to contradict what the Council says about the approved parking standards. Furthermore, and in any event, in the absence of any other car parking standards, they do at least provide a useful starting point in terms of the determination of this appeal.
9. I note that the Council approved development on this part of the site in the recent past. However, decisions were made in advance of the consideration of other development on the site including the more recently approved restaurant. I have considered the information provided by the Council, which has been obtained as a result of the completion of a Planning Contravention Notice. It is evident that development on the site is now very different to what existed just a few years ago. It is not entirely clear what buildings/uses are lawful and not lawful on the appeal site. This is an important consideration when determining whether or not car parking provision is acceptable for the proposed development.
10. Based on all of the buildings/uses on the site, and applying the car parking standards, the Highway Authority considers that there is a need for between 73 and 92 car parking spaces depending on whether the marquee is included as this is used between April and September only. The site has planning permission for 42 car parking spaces (Ref 3/2014/0633), although not all of these spaces have been provided. At that time, the Council considered that the uses on the site required only 42 car parking spaces, but they have now indicated that they were not fully aware of a number of the buildings/uses on the site. The proposal would require additional car parking spaces, and hence this creates a shortfall.
11. In the absence of any certain information from the main parties that some of the uses/buildings on the site are unlawful (and hence may cease to be used and/or be removed), it is not possible to be entirely sure about the significance of the shortfall in on-site car parking numbers. This is an important

consideration as the evidence before me (including a Council photograph of a significant number of parked vehicles on Stoneygate Lane dated November 2014) indicates that a number of vehicles have previously had to park on Stoneygate Lane.

12. Whilst in itself the proposal would require only two additional car parking spaces (based on the JLSP standards), it is necessary to be certain about car parking provision for all uses/buildings on the site. Taking into account the width and traffic speeds on Stoneygate Lane, I consider that even a small amount of parking on this highway would unacceptably interrupt the free flow of traffic to the detriment of highway safety. Furthermore, and in the absence of adequate car parking provision on the appeal site, I would have concerns about vehicles queuing and manoeuvring at the site entrance: there is potential for this to result in accidents.
13. For the reasons outlined above, I conclude that the appellant has not provided a robust assessment of car parking need. On the basis of the evidence before me, the proposed development is not justified in car parking terms. Hence, I find conflict with the car parking and highway safety aims of Policies DM12, DMG1 and DMG3 of the Core Strategy.

Other Matters

14. I acknowledge that the proposed delicatessen may be used by customers of the wider site. In that regard, the proposal may not always require additional car parking spaces. However, it is likely that some customers would visit the delicatessen in its own right, or it would at least make the wider site more popular, thereby attracting more visitors. Consequently, I consider that an additional car parking provision of two spaces is reasonable.
15. I note that the appellant considers that alternative modes of transport could be utilised (for example public transport, cycling or walking), but the site is in a relatively remote location and Stoneygate Lane is mainly unlit and is narrow: it is not therefore conducive to cycling and walking.
16. The appellant has made reference to a planning permission for a beauty salon and reception area sited in a similar location to the current proposal. This development has now been removed from the site, and planning permission was granted prior to the restaurant (and extended 42 space car park) being approved. Furthermore, the Council have indicated that they now believe that there are a number of other uses/buildings on the site that they did not take into account when the restaurant/extended car park were approved. Consequently, whilst I afford some weight to the fact that the appeal site has previously included approved development, the overall position relating to development on the wider site remains very uncertain. This is an overriding concern that is required to be addressed in full.
17. None of the other matters raised outweigh my conclusions on the main issues.

Conclusion

18. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR

Appeal Decision

Site visit made on 11 July 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 14 July 2016

Appeal Ref: APP/T2350/W/16/3148589
Stydd Garden Centre, Stydd Gardens, Stoneygate Lane, Ribchester,
Lancashire PR3 3YN

- 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 S Fullalove (Stydd Garden Centre) against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0172, dated 16 February 2016, was refused by notice dated 12 April 2016.
 - The development proposed is the erection of a new shed (2) for education use.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The shed has already been built.
3. I have used the site address from the Council's decision notice as this correctly refers to the site as being part of Stydd Garden Centre.
4. I have also dealt with another appeal (Ref APP/T2350/W/16/3148586) on this site. That appeal is the subject of a separate decision.

Main Issue

5. The main issue is whether or not there would be adequate car parking within the site and, if not, whether or not the proposal would result in on street car parking to the detriment of highway safety.

Reasons

Site and proposal

6. The site forms part of an established garden centre which includes an existing restaurant. The proposal is for the erection of a shed (single storey) constructed out of softwood ship lap boarding with stained softwood windows and doors and a bitumous felt pitched roof with softwood vertical weather battens. It is sited along the southern boundary of the car park close to the entrance of the site with Stoneygate Lane. It is understood that there was previously a larger shed on the site, which was erected pursuant to planning permission 3/2014/0265 (approved 2 June 2014) and used as a beauty salon
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including a decked entrance area and a decked side area. I have viewed the approved plans, and they included a reception area, 2 treatment rooms, a store/kitchen and a toilet room (approximately 62 square metres).

7. The building measures approximately 6.7 metres x 4.8 metres (approximately 32 square metres) and includes a timber decked area (with a ramp and steps) to the front which is about 3.0 metres in depth. It is proposed to use the shed for craft/garden centre instruction for groups of 8-10 people with the building hired on an hourly, half day or full day basis. The centre would be used on a pre-appointment/booking basis and it is intended to provide instruction and advice for gardening and handicraft enthusiasts.

Car parking and highway safety

8. The Council has confirmed that it does not have its own adopted car parking standards (email dated 24 May 2016). However, Policy DMG 3 of the adopted Core Strategy 2008-2028 "A Local Plan for Ribble Valley" (Core Strategy) states that *"all development proposals will be required to provide adequate car parking and servicing space in line with currently approved standards"*. The Council have confirmed that the standards that they use, and which formed part of the evidence base in terms of the examination into the Core Strategy, are as contained within the Joint Lancashire Structure Plan 2005 (JLSP). In effect, the Council is saying, and notwithstanding the status of the JLSP, that these standards are the "approved standards" for the purposes of considering car parking provision. I have not been provided with any evidence to contradict what the Council says about the approved car parking standards. Furthermore, and in any event, in the absence of any other car parking standards, they do at least provide a useful starting point in terms of the determination of this appeal.
9. I note that the Council approved development on this part of the site in the recent past. However, decisions were made in advance of the consideration of other development on the site, including the more recently approved restaurant. I have considered the information provided by the Council which has been obtained as a result of the completion of a Planning Contravention Notice. It is evident that development on the site is now very different to what existed just a few years ago. It is not entirely clear what buildings/uses are lawful and not lawful on the appeal site. This is an important consideration when determining whether or not car parking provision is acceptable for the proposed development.
10. Based on all of the buildings/uses on the site, and applying the car parking standards, the Highway Authority considers that there is a need for between 73 and 92 car parking spaces, depending on whether the marquee is included as this is used between April and September only. The site has planning permission for 42 car parking spaces (Ref 3/2014/0633), although not all of these spaces have been provided. At that time, the Council considered that the uses on the site required only 42 car parking spaces, but they have now indicated that they were not fully aware of a number of the buildings/uses on the site. The proposal would require additional car parking spaces, and hence this creates a shortfall.
11. In the absence of any certain information from the main parties that some of the uses/buildings on the site are unlawful (and hence may cease to be used and/or be removed), it is not possible to be entirely sure about the significance

of the shortfall in on-site car parking numbers. This is an important consideration as the evidence before me, including a Council photograph of a significant number of parked vehicles on Stoneygate Lane dated November 2014, indicates that a number of vehicles have previously had to park on Stoneygate Lane.

12. Based on the JLSP standards, the proposal would require four additional car parking spaces. Taking into account the width and traffic speeds on Stoneygate Lane, I consider that even a small amount of parking on this highway would unacceptably interrupt the free flow of traffic to the detriment of highway safety. Furthermore, and in the absence of adequate car parking provision on the appeal site, I would have concerns about vehicles queuing and manoeuvring at the site entrance: there is potential for this to result in accidents.
13. For the reasons outlined above, I conclude that the appellant has not provided a robust assessment of car parking need. On the basis of the evidence before me, the proposed development is not justified in car parking terms. Hence, I find conflict with the car parking and highway safety aims of Policies DM12, DMG1 and DMG3 of the Core Strategy.

Other Matters

14. The appellant has made reference to a planning permission for a beauty salon and reception area sited in a similar location to the current proposal. This development has now been removed from the site, and planning permission was granted prior to the restaurant (and extended 42 space car park) being approved. Furthermore, the Council have indicated that they now believe that there are a number of other uses/buildings on the site that they did not take into account when the restaurant/extended car park were approved. Consequently, whilst I afford some weight to the fact that the appeal site has previously included approved development, the overall position relating to development on the wider site remains very uncertain. This is an overriding concern that is required to be addressed in full.
15. None of the other matters raised outweigh my conclusion on the main issue.

Conclusion

16. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR

Appeal Decision

Site visit made on 4 May 2016

by Isobel McCretton BA(Hons) MRTPI

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

Decision date: 14th July 2016

Appeal Ref: APP/T2350/W/16/3144394

Pinfold Farm Barn, Preston Road, Ribchester PR3 3YD

- 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 Stephen Bennett against the decision of Ribble Valley Borough Council.
 - The application Ref. 3/2015/0647, dated 31 July 2015, was refused by notice dated 13 November 2015.
 - The development proposed is the conversion of former garage and stables to form a 3-bed dwelling and associated site works – new access track.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether or not the proposed development accords with the provisions of local and national planning policies for the conversion of rural buildings and sustainable development, and the implications of this for the implementation of the development strategy for the Borough.

Reasons

3. The appeal property comprises a detached double garage and stables situated on the south-eastern side of a cluster of dwellings and farm buildings. The site is located within the countryside, around 1.2km to the north of Ribchester and about 2.6km to the south-east of Longridge. It is proposed to convert the building to a 3-bedroom dwelling. A new access would be provided, continuing on from the existing access to nos.1 & 2 Pinfold Farm Barn, and 2 parking spaces would be provided.
4. Key Statement DS1 of the Council's Core Strategy¹ states that the majority of new housing development will be concentrated within the principal settlements of Clitheroe, Longridge and Whalley and Tier 1 settlements which are considered to be the more sustainable of the defined settlements. Elsewhere, in the Tier 2 Villages, development will need to meet proven local needs or deliver regeneration benefits. Key Statement DS2 embodies the presumption

¹ Core Strategy 2008-2028 – A Local Plan for Ribble Valley (adopted 2014)

in favour of sustainable development embodied in the National Planning Policy Framework (the Framework).

5. Policy DMG2 reflects the spatial strategy set out in Key Statement DS1. Within the open countryside, development will be required to be in keeping with the character of the local landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. Where possible new development should be accommodated through the re-use of existing buildings.
6. Policy DMG3 attaches considerable weight to the availability and adequacy of public transport and associated infrastructure to serve the development.
7. Policy DMH3 sets out that, within areas defined as open countryside, residential development will be limited to a number of circumstances, including the appropriate conversion of buildings to dwellings, providing they are suitably located and their form and general design are in keeping with their surroundings. The building must be structurally sound and capable of conversion without the need for complete or substantial reconstruction. Policy DMH4 gives further guidance on the circumstances where planning permission will be granted for the conversion of buildings to dwellings, and the building to be converted must meet a number of criteria. In particular, the character of the building and its materials should be appropriate to its surroundings. The building and its materials should be worthy of retention because of its intrinsic interest or potential or its contribution to the setting, and the building should have a genuine history of use for agriculture or another rural enterprise.
8. The proposed dwelling, being part of a cluster of dwellings and outbuildings, would not be isolated in the landscape. It is structurally sound and is capable of conversion without the need for complete or substantial reconstruction. The Council contends that the building is not suitably located in that it is in a remote location i.e. it does not benefit from adequate access to local services or facilities so that occupiers would be reliant on the private car, contrary to the presumption in favour of sustainable development in the Framework. However, the appellant points to the fact that there is a bus stop close to the appeal site offering frequent services to Longridge and Ribchester, and that these towns are within cycling distance with Preston Road being part of the National Cycle route. I agree that future occupiers need not be wholly dependent on the private car to access day to day services and there is no material conflict with policy DMH3 in this regard.
9. Moreover, although the main spatial strategy set out in Key Statement 1 and policy DMG2 is to direct new residential development to the main/Tier 1 settlements, and policy DMG3 gives considerable weight to the availability and adequacy of public transport, clearly both policies DMH3 and DMH4 along with paragraph 55 of the Framework provide for the conversion of buildings in the rural area which, by their nature would be more remote. Indeed, when the Core Strategy was examined, the policy was amended to make it clear that rural conversions should not be isolated in the landscape as the original wording had suggested that barn conversions would only be allowed where the building is in a defined settlement. I therefore do not find that the objectives

of sustainable development would be prejudiced and that the proposed development should fail in this regard.

10. Nonetheless, policy DMH4(4) requires that there should be a genuine history of use for agriculture or another rural enterprise. The appeal building was erected as garaging and stables in connection with a residential property and there is no history of agricultural use or use in connection with a rural enterprise. As such the proposed development would not accord with policy DMH4.
11. The appellant argues that policy DMH4 has been carried forward from the earlier Ribble Valley Local Plan (1998) and that the justification for the policy at the time was to avoid the abuse of agricultural permitted development rights. However, no such justification is given in the supporting text in the adopted Core Strategy. Although there is no suggestion that it is applicable in this case, the criterion in the policy would also prevent possible abuse of domestic permitted development rights whereby an outbuilding could be erected in a large garden and then residential conversion sought. While I recognise that the Framework does not put such restriction on the conversion of rural buildings, the examination and adoption of the Core Strategy post-dates the publication of the Framework and it was been found to be sound.
12. Policy DMH4(3) also requires that the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting. The supporting text to the policy sets out that the re-use of existing rural buildings provides an important opportunity to preserve buildings that contribute to the area's character and setting, can usefully provide a housing resource and promote sustainability. The Framework encourages the conversion of redundant or disused rural buildings where it would lead to an enhancement of the immediate setting. There is no particular merit to the appeal building which, in my opinion, has a neutral effect on the area's character and setting and it has no intrinsic interest which should be preserved. It is evidently an outbuilding associated with the existing dwelling and it sits on the periphery of the group of buildings.
13. A substantial garden is proposed, but no provision is made for storage or garaging. It seems to me that there is likely to be future pressure for further ancillary buildings which would further suburbanise this rural site but which it may be unreasonable for the Council to resist. The fact that the appellant considers the imposition of a condition withdrawing permitted development rights for curtilage buildings to be unreasonable and unnecessary rather underlines this concern. At the very least the proposed development would not provide an enhancement of the setting as required by the Framework.
14. I conclude that there is insufficient justification for the creation of a new dwelling in this location and that the proposed development would not accord with policy DMH4 of the Core Strategy or paragraph 55 of the Framework.
15. The Council has also expressed concern that the proposal would create a harmful precedent for the acceptance of other similar proposals without sufficient justification which would have an adverse impact on the implementation of the development strategy in the adopted Core Strategy. While each proposal must be considered on its own merits, if such developments were to be approved contrary to adopted policy, and without

sufficient justification, this could make such development harder to resist, and as a consequence there would be a cumulative adverse effect on the character of the countryside.

Conclusion

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

Isobel McCretton

INSPECTOR

Appeal Decision

Site visit made on 11 July 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 15 July 2016

Appeal Ref: APP/T2350/W/16/3148370

Land adjacent to the Petre Arms, Langho, Clitheroe BB6 8AB

- 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 Jack Lowther against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0074, dated 13 January 2015, was refused by notice dated 16 October 2015.
 - The development proposed is the erection of a storage building with a lean-to facilities block and change of use of land to create a caravan park development for 21 touring caravans/recreational vehicles.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a storage building with a lean-to facilities block and change of use of land to create a caravan park development for 21 touring caravans/recreational vehicles at land adjacent to the Petre Arms, Langho, Clitheroe BB6 8AB in accordance with the terms of the application Ref 06/2015/0648, dated 31 July 2015, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal upon (i) the living conditions of the occupiers of nearby properties in respect of noise, disturbance and vehicular movements; (ii) the character and appearance of the area; and (iii) highway safety.

Reasons

Site and proposal

3. The appeal site comprises open and mainly hard surfaced land which has been used in recent years for the purposes of holding caravan rallies. It is positioned to the rear of the Petre Arms and at this point there is an existing coniferous tree border along the boundary. To the west there are dwellings and to the east there is St Leonards Church (this is not listed), St Leonards Primary School and a community centre. There is an existing access into the site (also shared with the community centre) which leads from Whalley Road.
4. It is proposed to use the site as a touring caravan / recreational vehicle site containing 21 pitches each measuring about 7.0 metres x 8.5 metres and with an associated hard stand area each measuring approximately 9.0 metres x 2.0

metres. Additional hedgerow planting is proposed within the centre of the site and along the northern boundary. A 1.8 metre high close boarded fence is proposed along the southern and western boundaries. Existing vegetation would be retained to the southern and eastern boundaries and a play area is proposed in the far north eastern corner of the site. In the south western corner of the site it is proposed to erect a building which would be used to store maintenance equipment (including part use for the appellant's wider agricultural activities) and would include male and female wash rooms and showers. The building would measure approximately 14.0 metres x 10.6 metres and with a ridge height of about 4.4 metres. It would be clad in timber (concrete block at lower section) to the south and west facing elevations, and would include mainly natural stone to the east and north facing elevations. The roof would be constructed using grey fibre cement roof sheets.

Living Conditions

5. The appellant has commented that in the last nine years, the site has been used approximately a dozen times per annum for caravan and camping club rallies. I have no reason to doubt what the appellant says about there sometimes being 50 caravans on the site during these rallies. The Council's Environmental Health service has confirmed that there have not been any complaints about the use of the site in this way.
6. I acknowledge that the use of the site for holiday purposes will generate an increase in comings and goings when compared to the current use of the site: for large parts of the year the site is not used. However, I have taken into account a combination of issues including (i) that the site would not be used all year round; (ii) that an essentially residential type of use is proposed; (iii) that the site would be well screened by existing/proposed landscaping and fencing; (iv) the separation distances from surrounding buildings; (v) the historic use of the site; and (vi) the fact that this area is characterised by a mixture of commercial, community and residential uses.
7. In addition to the above, it would be possible to impose a planning condition which would ensure that more detailed controls are in place relating to the management and operation of the site. I acknowledge the representations made by some interested parties who raise concerns that there may not be a site manager on site. However, and for the avoidance of doubt, the appellant has confirmed (letter dated 23 June 2016) that "*during the open season there will be a warden resident at the site in a caravan*".
8. For the above reasons, I conclude that the proposal would not cause unacceptable harm to the living conditions of the occupiers of nearby properties in respect of noise, disturbance or vehicular movements. In this regard, the proposal would not conflict with the amenity aims of Policy DMG1 of the Ribble Valley Borough Council Core Strategy 2014 (CS).

Character and appearance

9. The siting of caravans and the erection of a building would undoubtedly have some impact upon the character and appearance of the area. However, that is the case for most developments of this kind in the countryside. In this case, the development would be closely related to existing buildings. Furthermore, the caravans would not be positioned on the site on a permanent basis as the appellant has agreed to a planning condition which requires that there are no

caravans between 6 January and 7 March in any year. The proposed building would have an agricultural appearance and hence would reflect the rural character and appearance of land to the rear of the Petre Arms.

10. Public views of the site from Whalley Road would be masked by the Petre Arms as well as by the existing vegetation along the southern boundary. I consider that the existing and proposed planting would ensure that the development does not cause material harm to the character and appearance of the area. I accept that the caravans would be visible from some public areas, including a nearby footpath, but the retention of existing vegetation, coupled with significant additional planting to be secured by planning condition, would ensure that the development did not appear intrusive in the landscape.
11. For the above reasons, I conclude that the proposal would not cause unacceptable harm to the character and appearance of the area. In this regard, I do not find any conflict with the design aims of Policy DMG 1 of the CS.

Highway safety

12. The County Highways Authority has raised no objection to this proposal based on the amended plan which straightens the access into the site. I acknowledge that the access from Whalley Road would be shared with visitors to other neighbouring sites. However, I have not been provided with any compelling evidence which would persuade me that the findings of the County Highways Authority are unsound. Whilst this is a relatively narrow access, I do not consider that this would lead to significant highway conflicts: visitors would likely arrive intermittently throughout the day. Access would be immediately onto Whalley Road which is a classified road and where there is easy and convenient access to the wider highway network. In this regard, I have no reason to disagree with the appellant that the site has better road infrastructure for those towing a caravan than many of the more remote caravan sites which are reached from narrow country lanes.
13. I do not doubt that at school drop off and pick up times the immediate highways are more congested and include a number of parked vehicles. In this sense, it seems eminently sensible, given the more difficult manoeuvring needed when towing a caravan, to restrict the times when visitors can first visit and finally depart from the site. With such controls in place, I do not consider that there would be significant conflict between vehicles at school drop off and pick up times, or at any other times of the day. Subject to the imposition of such a planning condition, I conclude that the proposal would not result in severe highway safety impacts. Consequently, I do not find any conflict with the highway safety aims of Policy DMG 1 of the CS.

Other Matters

14. I note that a significant number of representations have been received from other interested parties including 167 letters of objection at planning application stage. I have also taken into account representations made by other interested parties as part of the appeal including Councillors Stephen Atkinson and Paula Dobson, Samuel Smith Old Brewery (Tadcaster) and the Whalley Road Residents Group.

15. Whilst some have concerns about the site becoming a traveller's site or a permanent residential site, these are not proposals that are before me. In any event, I have imposed a planning condition which would preclude permanent residential use of the site, and would ensure that it was used only for holiday/recreational purposes. The Local Planning Authority would have enforcement powers in the event that such a planning condition was breached.
16. I accept that some caravans do have washing / toilet facilities. However, not all do, and it is not uncommon to have on-site facilities, such as a separate utility building, on caravan sites. I do not consider that the building would look out of place, or that it would cause harm to the character and appearance of the area. Whilst an agricultural building has previously been refused on the site (3/2007/0989/P), the Council has confirmed that this was due to a lack of agricultural justification: the appeal proposal is not directly comparable to the previous agricultural proposal.
17. Whilst Langho is a relatively small settlement, planning policies do not prohibit the proposed development in this location. The development does amount to a "small scale tourism or recreational" development in respect of applying Policy DMG2 of the CS. Consequently, and notwithstanding the representations made by Samuel Smith Old Brewery (Tadcaster), there is no policy requirement to justify need. Whilst I acknowledge the concerns raised by interested parties about extensions in the future (as the appellant owns adjoining land), this would need separate planning permission and the Council would need to judge whether such development went beyond "small scale".
18. St Leonards Church is not a listed building. Nonetheless, I have considered the separation distances involved, and there would not be any harm caused to the setting of this historic building. The proposal would provide a place in which to site a caravan, and hence I envisage that tourists would visit shops and facilities in the local area which would have some economic benefits. I have no reason to disagree with the Council who state in their appeal statement that *"the appeal site is considered to be sustainable in terms of its proximity to the A59 and the local hotels, public houses, restaurants and shops in Langho"*. Whilst I note that there are some other caravan sites in the Borough, there are no planning policies that I have been made aware of that would preclude, in land use principle, further caravan sites from being formed.
19. Representations have been made about the effect of the development on views and house values. The Courts have held that these matters are not material planning considerations. In any event, I have not received any objective evidence to substantiate claims about the effect of the development on house values. As part of the site visit, I was able to view the relationship of the proposed development with all neighbouring properties (this included a specific request to view from No 9 Petre Wood Drive). Taking into account the boundary vegetation and separation distances from surrounding properties, I do not consider that the proposal would cause harm to the living conditions of the occupiers of such properties including outlook.
20. None of the other matters raised outweigh my conclusions on the main issue.

Conditions

21. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of

the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.

22. The appellant has agreed to all of the Council's suggested planning conditions apart from condition No 9 which would require the submission of a noise assessment relating to the proposed development. I have considered the advice provided by the Council's Environmental Health service that raised no objection to the proposal. Furthermore, and subject to good management of the site (to be controlled by means of planning condition No 4 in the schedule of conditions attached to this decision), I do not consider that such a condition would be necessary.
23. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.
24. In the interests of the living conditions of the occupiers of nearby properties, and to accord with CS policies, it is necessary to impose planning conditions relating to the use of the site, times when caravans shall not be on the site, external lighting and the management/operation of the site. The latter condition is also necessary, in the interests of highway safety, in order to ensure that the site is managed in such a way that person's with bookings avoid arriving at the site during school pick up and drop off times.
25. In the interests of the character and appearance of the area, it is necessary to impose conditions relating to landscaping, the play area and refuse storage provision. This would also include a requirement to submit details relating to the play area.
26. In the interests of nature conservation, a planning condition is necessary in respect of the implementation of the recommendations and mitigation measures in Section 6 of the Ecological Appraisal prepared by Envirotech. Finally, a planning condition is necessary in order to ensure that the site can properly deal with surface water and foul drainage.

Conclusion

27. The proposal would not have a significantly harmful effect upon the living conditions of the occupiers of nearby properties or the character or appearance of the area, and would not lead to any severe highway safety impacts. For these reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Low/688/1794/01 REVB and Low/668/1794/02 REV.B.

- 3) This permission authorises the use of the site as a touring caravan site for holiday/recreational purposes only. No caravans shall remain on the site between 6 January and 7 March of any year; and no caravan at the site shall be occupied as any person's sole or main residence.

- 4) Prior to the commencement of development, precise details of the proposed means of management and operation of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall be operated in strict accordance with the approved details. This shall include details of the following:
 - i) The means by which entry to the site would be restricted only to persons who had previously booked to be at the site.
 - ii) The times of day when persons with bookings can first enter and finally depart the site. This should avoid initial entry onto the site, and final departure from the site between the hours 0800 and 0930 and between the hours 1445 hours to 1545 hours on Mondays to Fridays during school term time.
 - iii) Details of the person or persons who would be responsible for assisting legitimate occupiers of the site with any queries/problems; and would also be responsible for ensuring that the behaviour of persons at the site is reasonable and not detrimental to the amenities of nearby residents.
 - iv) Details of the times of the day (if at all) that there would be a representative of the site operators present at the site.
 - v) The addresses of the person or persons responsible for the operation of the site.
 - vi) The site shall be operated at all times in complete accordance with the approved details.

- 5) Prior to the first use of the site for the purpose hereby permitted details of additional landscaping of the site, and including the retention of existing trees and hedgerows, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate as appropriate the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped including details of any changes of level or landform and the types and details of any fencing or screening. Details of the means of protection during development works of all hedgerows and trees identified for retention shall also be submitted for approval by the Local Planning Authority. The approved means of protection shall be in place at all times during the period of development works.

The approved landscaping scheme shall be implemented in the first planting Season following the first occupation or use of the development and shall be

maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

6) The development hereby permitted shall be carried out in complete compliance with the recommendations and mitigation measures in Section 6 of the Ecological Appraisal by envirotech (report reference 2534 dated 6 January 2015) that was submitted with the application.

7) No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

8) No play equipment shall be installed at the play area as shown on drawing no. Low/688/1794/01 REVB, or elsewhere on the site, unless precise details of its type, height, design, colour and precise location have first been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details and maintained as such thereafter.

9) Prior to the commencement of any development, a scheme for the disposal of foul and surface waters, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to first use of the site for the purpose hereby permitted.

10) The indicative details of the proposed refuse storage area is considered to be acceptable. However, the proposed storage area shall be constructed prior to the first use of the site and thereafter used and maintained solely for the purpose hereby permitted, in accordance with more precise details relating to its location, dimensions, materials of construction and external appearance, that have first been submitted to and approved in writing by the Local Planning Authority.

Appeal Decision

Site visit made on 22 June 2016

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 22 July 2016

Appeal Ref: APP/T2350/W/16/3144598

**Land Adjacent to the Village Hall, Main Street, Newton in Bowland,
Clitheroe BB7 3DZ**

- 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 Phillip Rhodes against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0050, dated 6 January 2016, was refused by notice dated 11 February 2016.
 - The development proposed is the erection of one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal scheme is in outline form with all matters reserved for subsequent approval and is a resubmission of a similar proposal refused by the Council (Ref 3/2015/0208).

Main Issues

3. It is considered that the main issues are (a) whether the proposed development would preserve or enhance the character or appearance of the Newton Conservation Area; (b) the effect of the proposed development on the character and appearance of the Bowland Area of Outstanding Natural Beauty and (c) whether the proposed development would be in a sustainable location.

Reasons

Newton Conservation Area

4. The appeal site forms part of a residential garden within Newton in Bowland. Residential gardens are not included within the definition of previously developed land included in the National Planning Policy Framework (the Framework). However, the development of gardens for housing purposes is not precluded by the Framework subject to other policy considerations.
 5. In this case, the site is situated within the Newton Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This
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statutory duty is echoed in Policies DME4 and DMG1 of the Core Strategy 2008-2028: A Local Plan for Ribble Valley (CS). It is the appellant's claim that the proposed development would at least preserve the character and appearance of the Conservation Area and reference has been made to case law to support this claim, including *Bath Society v Secretary of State for the Environment and Another*.

6. The built development within the Conservation Area primarily comprises 2-storey residential dwellings of modest scale and simple form which possess stone walls and share similar fenestration. The predominant roofing material is slate and there are examples of stone walls fronting the roads. The homogeneity of locally sourced stone is referred to in the *Newton Conservation Area Management Guidance*. The properties are generally sited close to the carriageway of the roads rather than being set back into their plots to the rear of frontage trees.
7. Included within the Conservation Area is, and as identified in the *Management Guidance*, an extensive area of pasture and hay meadow which provides a setting for the area. Although this open space abuts the site, the topography of the adjacent land and the existing vegetation limit views of the site from the adjacent open and verdant countryside. The *Townscape Appraisals Map* for the Conservation Area identifies that the site includes an Important Tree Group and is within an Important View along Main Street. Opposite the site the *Appraisal Map* identifies a short terrace of 2-storey dwellings as being Buildings of Townscape Merit. This terrace forms part of the Important View and are a positive feature of the Conservation Area.
8. My impression of this view to the east of the Village Hall is that there is a sense of enclosure along the streetscene associated with both the site's boundary wall and trees fronting the road and the siting, simple form and modest scale of the terrace of residential properties. This sense of enclosure does not create the impression of the site being an important open space within the Conservation Area, particularly when compared to other spaces observed during the site visit.
9. The appeal scheme is in outline from with all matters reserved for subsequent approval. Access to the site is indicated to be shared with the host property and a drawing exists which identifies a potential siting of the proposed dwelling. Little other information about the design and layout of the proposed development is provided, including in the Design and Access Statement.
10. Some of the indicative material does provide me with sufficient comfort that, in principle, the boundary trees could be retained, particularly those fronting the road which make a positive contribution to the streetscene. This judgment reflects the assessment of the Council's Tree Officer. However, to retain the boundary trees would require the proposed dwelling to potentially be set well back from the carriageway rather than reflect the siting of other near-by properties. How the proposed dwelling could respect the existing urban grain of the village and the streetscene has not been explained.
11. The appellant claims that because it is a reserved matter it cannot be presumed that a careful and effective design for the proposed dwelling would fail to preserve or enhance the character or appearance of the Conservation

Area. However, by reason of the appeal scheme being in outline form, I share the view of a third party that there is insufficient information available and I am unable to make a full assessment to discharge the statutory duty, specifically whether the appeal scheme would at least preserve the character and appearance of the Conservation Area. Important matters of detail which have not been provided include the scale, height, massing, appearance, detailing and form of the proposed dwelling. All these matters affect how the appeal scheme would respect and the character and appearance of the Conservation Area. Some of these matters are specifically identified in the *Management Guidance*.

12. Although there is a lack of information, the erection of the proposed dwelling would lead to less than substantial harm to the significance of the Conservation Area. However, this matter is not outweighed by the public benefits of the appeal scheme, including the appellant's claim about the erection of a dwelling on an under-utilised site within the confines of a built-up area. Accordingly, and in the absence of adequate information, it is concluded that the proposed development would fail to preserve the character and appearance of the Newton Conservation Area and, as such, it would conflict with CS Policies DME4 and DMG1.

Bowland Area of Outstanding Natural Beauty

13. The site, the village and the surrounding area are within the Bowland Area of Outstanding Natural Beauty (AONB). The Framework identifies that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty. This status of protection is echoed in CS Key Statement EN2.
14. However, by reason of being contained on 3 sides by built forms of development and the site's limited contribution to the open and verdant character of the surrounding countryside, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the Bowland Area of Outstanding Natural Beauty. It is further concluded that the appeal scheme would not conflict with the requirements of the Framework and CS Key Statement EN2 concerning the conservation of the landscape and scenic beauty of the AONB.

Sustainable Location

15. Newton in Bowland is identified in CS Key Statement DS1 as a Tier 2 Village where development will need to meet proven local needs or deliver regeneration benefits. CS Policy DMG2 expands upon the types of local need that might be acceptable. The appellant claims that the appeal scheme would be situated in a sustainable location; capable of capitalising upon existing infrastructure capacity; a positive reuse of land within a built-up area; an addition to the housing stock and a rounding-off or infilling of the settlement pattern. However, none of the appellant's claims demonstrate either a proven need for the proposed dwelling or that the appeal scheme delivers regeneration benefits of the type identified in the Core Strategy. I also note that the Council's claim of a housing supply in excess of 5-years has not been challenged in any detail by the appellant.

16. During the site visit it was noted that the facilities available within the settlement are limited and that a notice had been erected advising the bus services had been withdrawn. The sustainability credentials of the village as a location for residential development are not strong and this adds to my concerns about a need for housing in this location. On this matter it is concluded that the proposed development would not be in a sustainable location and, as such, it would conflict with CS Key Statement DS1 and Policy DMG2.

Other Matters

17. Some local residents have raised concerns about the impact of the proposed development on the safety of other highway users and the appeal site being located adjacent to a watercourse. However, the Council has not objected to the proposed development for these reasons. Based upon the site visit, there are no reasons for me to adopt a contrary assessment to the Council and, in any event, these matters do not alter the main issues which have been identified as the basis for the determination of this appeal.

Conclusion

18. Although the proposed development would not cause unacceptable harm to the character and appearance of the Bowland Area of Outstanding Natural Beauty, this matter is significantly and demonstrably outweighed by the appeal scheme's failure to preserve the character and appearance of the Newton Conservation Area and the proposed dwelling not being in a sustainable location. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should fail.

D J Barnes

INSPECTOR