



Appeal Decision

Site visit made on 8 August 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 1 September 2016

Appeal Ref: APP/T2350/W/16/3150944

Broadhead Farm, Moorfield Aveune, Ramsgreave, Lancashire BB1 9BZ

- 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 Worsley against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0019, dated 18 December 2015, was refused by notice dated 12 February 2016.
 - The development proposed is demolition of farm buildings and erection of four detached dwellings with associated garages and gardens.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of the development set out in the appeal form as it more clearly describes the development proposed. The application form and decision notice refer to the appellant as 'Mr Jack Worsely' whilst other documents including the appeal form refer to 'Mr Jack Worsley'. I have accepted confirmation that the latter spelling is accurate and therefore used this is my decision.
3. Following the determination of the application which is the subject of this appeal the appellant submitted an up to date Ecology Report. As a result of this the Council no longer wishes to defend its reason for refusal relating to wildlife issues. I therefore do not address this matter in the reasoning below.

Main Issues

4. The main issues in this case are:
 - (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any development plan policies;
 - (ii) the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - (iii) whether the proposal represents a sustainable form of development with reference to its location;
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- (iv) the effect of the proposal on the character and appearance of the area;
- (v) whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook, privacy and daylight; and,
- (vi) 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.

Reasons

5. The appeal site is part of Broadhead Farm located just outside the settlement of Ramsgreave. It is located in an elevated position in the area and surrounded by agricultural land. The site is currently occupied by a range of agricultural buildings which I understand are associated with its former use as a dairy farm. The proposals would redevelop this site with a scheme comprising four detached dwellings.

Inappropriate development

6. The Framework at paragraph 89 establishes that new buildings within the Green Belt are inappropriate. Exceptions to this include "*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings)*". The Glossary to the Framework at Annex 2 clarifies that previously developed land excludes land that is or has been occupied by agricultural buildings. Key Statement EN1 of the Ribble Valley Core Strategy 2014 (the Core Strategy) has a more restrictive approach, stating that within the Green Belt "*development of new buildings will be limited to the purposes of agriculture, forestry, essential outdoor sport and recreation, cemeteries and for other uses of land which preserve the openness of the Green Belt*".
7. There are six buildings on this site comprising a range of modern steel frame buildings in reasonably good condition, dilapidated timber buildings, and a dilapidated brick building. It also includes part of the yard area and a slurry pit. I understand that in 2013 an application for the change of use of four agricultural buildings and part of the yard for the storage of caravans (up to 70 in total) was granted. The parties disagree about whether or not this approval has been implemented. The Council states that a pre-commencement condition has not been discharged, and that the business has not been registered for business rates purposes. The appellant provides evidence of the advertisement of this business and photographs of three caravans stored at the site.
8. At the time of my site visit I noticed signs advertising caravan storage on this site, and a single caravan being stored in one of the more modern structures. Other buildings appeared to contain various items of farm equipment or were not in use. My view is that whilst there is some caravan storage on this site, this relates to a single building only. Therefore, most of the buildings on this site remain as redundant agricultural buildings, which are excluded from the definition of previously developed land.
9. Notwithstanding such considerations, Key Statement EN1 of the Core Strategy makes it clear that development which may be acceptable in the Green Belt does

not include open market housing. Therefore, in accordance with section 38(6) of the *Planning and Compulsory Purchase Act 2004* which requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise, this scheme would constitute inappropriate development in the Green Belt.

10. The appellant has referred to a number of other appeal decisions in which development in the Green Belt has been allowed on previously developed sites, and in which inspectors have made reference to paragraph 89 of the Framework. However, the details of these cases vary and it is not possible to draw direct parallels with the current appeal which I have determined on the basis of relevant local and national policy.

Openness

11. Openness is an essential characteristic of the Green Belt and can be defined as the lack of built form. In the present case the proposal would involve the removal of the agricultural buildings. In terms of both volume and footprint the total volume of buildings to be removed exceeds that of the proposed new dwellings. The proposed dwellings would be in a more concentrated grouping than the current farm buildings.
12. However, these dwellings would have garden areas with patios and defined boundaries containing the usual domestic paraphernalia, as well as attached and detached garaging. The dwellings and their curtilages would cover most of the site. Although mostly having little or no height, these garden areas would contrast with the less formal mixture of hard surfacing and grass surrounding the existing agricultural buildings. Whilst it is not possible to compare the effect on openness of a building with an area of wall or hard surfacing, I conclude that overall the scheme would have a broadly neutral effect on the openness of the Green Belt.

Sustainability

13. The appeal site is located close to the settlement of Ramsgreave, but is located outside the Wilsphire and Ramsgreave settlement boundary. Wilsphire is defined as a Tier 1 village which, in accordance with the Core Strategy Key Statement DS1, is one of the more sustainable of the boroughs defined settlements and as such will be the focus of development. Policy DMG2 further states that proposals should consolidate, expand or round-off development so that it is closely related to the main built up areas. The Council have made reference to the fact that the settlement boundaries have recently been redrawn and updated, but that the appeal site is not included in the updated draft settlement boundary and therefore remains in open countryside.
14. In this respect it is also relevant to consider Policy DMH3 which states that within areas defined as open countryside, residential development will be limited to that which meets an identified local need, the appropriate conversion of buildings to dwellings, and the rebuilding or replacement of existing dwellings. It is clear that the appeal proposal would not meet these criteria.
15. I have noted that the site is located close to the settlement of Ramsgreave which adjoins Wilsphire and is in close proximity to the urban fringe of Blackburn. As such the appellant argues that access to a range of services and facilities is available within walking distance of the appeal site, with an existing footpath from

the site to Whalley New Road, making this a sustainable location. I agree that the site is in a reasonably accessible location.

16. I have also looked at the other key elements of sustainability as set out in the Framework at paragraph 7. I accept that this development would contribute to the expansion of the local population. I also accept that there would be short term economic gain through the provision of construction jobs. There would also be some additional revenue generated for the local parish council.
17. However, whilst the proposal would not result in the loss of any productive agricultural land and would replace a range of existing buildings, it is clearly located outside established settlement boundaries. Therefore, residential development in this area of designated open countryside would conflict with the environmental dimension of sustainable development in terms of the protection of the natural environment. Furthermore, given that there is no overriding need for the appeal proposal, the acceptance of such a development would create a harmful precedent which could have an adverse impact on the implementation of the Councils settlement policies.
18. I conclude that this proposal would not represent a sustainable form of development with reference to its location. It would conflict with the up-to-date Core Strategy Key Statement DS1 and Policies DMG2 and DMH3 which seek to protect the countryside whilst delivering sustainable patterns of development.

Character and appearance

19. The buildings would be accessed from the existing track which leads up to the site from Pleckgate Road. A spur to the north east would provide a dedicated driveway for unit 1, whilst the others would be served by a spur to the north. The buildings would be of varied design, the appellant stating that one would have the appearance of a farmhouse and the other three appearing as converted barns. Two of the dwellings would have detached garages, whilst in the other two properties the garages would be integral. They would be constructed with random stone walls, slate roofs and timber doors and windows. They would lie adjacent to the existing farmhouse which is of modest design, constructed from stone with a slate roof with a walled garden area lying to the south east.
20. It is the Councils view that the individual design of these dwellings would be regimented and consistent, with features such as high levels of glazing giving a suburban feel to the development. My view is that an attempt has been made to vary the design of each dwelling in terms of dimensions, roofs and elevation treatment within the parameters of what would typically characterise a group of traditional rural buildings. Whilst I accept that on some elevations there is a degree of uniformity, this is not dissimilar to that currently found in the farmhouse. Overall I consider that the appearance of the dwellings themselves would be appropriate in this setting.
21. The Council also states that traditional farmstead arrangements would usually be surrounded by communal space rather than private gardens. The plans indicate the proposed delineation of private spaces around each dwelling, though details of how this would be achieved have not been provided. Further concern is expressed about the proliferation of domestic paraphernalia, such as play equipment and sheds which would be likely to populate such private garden areas. In this respect I agree that the layout, in terms of the overall regularity of the spacing of the

houses, would appear as a typical cul-de-sac of detached properties within private curtilages, rather than a traditional farmyard, and that this would not be appropriate in this rural setting.

22. Whilst I accept the appellants claim that this development would represent an improvement on the existing built form on this site, I do not consider that this arrangement would be appropriate in this setting as it would not appear as an extension of the existing farmstead. The appellant also states that the irregular layout of the houses would reflect a typical rural pattern. However, with the exception of unit 4, the other dwellings would appear to have consistent spacing and be regularly positioned in relation to each other.
23. The appellant also states that the presence of trees and landscaping would both mitigate the visual impact of the boundary treatment of this grouping and screen domestic paraphernalia. Whilst the appellant has suggested that the details of how this would be achieved could be secured by condition, in this case it is not clear that concerns about the effect of this proposal on the rural character of this site could be overcome.
24. The appellant states that the development would be most visible from Ramsgreave Drive where it would be seen against the backdrop of the built form of Ramsgreave and Wilsphire. However, whilst I agree that the site is close to the built up area of these settlements, the presence of the surrounding fields means that there is currently a degree of visual separation of the farm buildings within this landscape setting which it is important to maintain. My view is that the appeal proposal would be largely experienced as an incongruous outlying pattern of suburban housing with a poor relationship to the adjoining rural character.
25. Overall I conclude that the proposal would have a moderately damaging effect on the character and appearance of this area. It would therefore conflict with the relevant elements of Core Strategy Policies DMG1, DMH3 and DME2 which, amongst other things, seek to ensure that development is sympathetic to its setting in terms of scale, massing and style and its impact on landscape character.

Living conditions

26. The four proposed detached dwellings would be placed in approximately the north, east, south and western corners of the site. The Council has expressed concern about the relationship between units 2 and 4. These would be two storey properties, though unit 4 would have additional accommodation in the roofspace, and unit 2 would be part single, part two storey. Of specific concern would be the distance between the rear elevation of unit 4 and the front elevation of unit 2¹. As both of these elevations contain principle windows the proposed separation distance of around 15m is considered to be insufficient in terms of the privacy of future occupants.
27. However, whilst these properties would be separated by around 15m at their closest point, as they are angled away from each other the separation distance would for the most part be greater than 15m and viewing angles would not be direct. Furthermore, unit 2 would be largely single storey along its front elevation, with the two storey element set back and at a greater distance from unit 4. I

¹ I note that the Councils Statement refers to the rear elevation of unit 2, however on the plan referenced Wor/024/2033/06 the rear elevation of unit 4 faces the front (north easterly) elevation of unit 2.

therefore do not consider that this layout would lead to an unreasonable degree of overlooking between these properties.

28. The Council further states that as the rear elevation of unit 4 would be located at its closest point around 8m from the shared boundary with unit 2, windows on the first floor of this elevation would have a direct view into the rear garden of unit 2. However, this view would actually be into the front garden area of unit 2. As the degree of privacy required within front garden areas is typically less important than that associated with rear garden areas, my view is that the degree of overlooking which could result from this arrangement would not be unreasonable.
29. Whilst the Councils reason for refusal on this matter also refers to overbearing impact and insufficient daylight, details of those elements of the scheme which are considered to cause harm in these respects are not provided.
30. I conclude that the proposed development would provide acceptable living conditions for future occupants, with regard to outlook, privacy and daylight. It would therefore not conflict with the Core Strategy Policy DMG1 which states that development should not adversely affect the amenities of the surrounding area and should provide adequate day lighting and privacy distances. It would also comply with the Framework requirement to secure a good standard of amenity for current and future occupiers.

Other considerations

31. The appellant states that part of this site is redundant for agricultural purposes and that this proposal would bring the whole area back into beneficial use. It is also suggested that this development would be small scale and would not involve the loss of any productive agricultural land. Furthermore, the development would provide modern, energy efficient homes.
32. The appellant also points to the national approach to encouraging the provision of appropriate forms of housing in the countryside through the permitted change of use of agricultural buildings to dwellings.
33. I am also aware that in submitting these proposals the appellant has sought to address the previous reasons for refusal relating to an earlier application for eight dwellings on this site (3/2014/0602). In this respect concerns about the scale of development have been addressed by the reduction in the number of units proposed from eight to four. Issues associated with the disturbance of the public right of way to the north of the site, and the provision of a suitable means of access have also been addressed.
34. However, I do not regard these considerations to be significant and therefore afford them limited weight.

Balancing exercise

35. I have found that the proposed development would constitute inappropriate development in the Green Belt. Whilst it would have a broadly neutral effect on openness it would, by definition, be harmful to Green Belt, harm which the Framework at paragraph 88 indicates should be given substantial weight. The scheme would also conflict with the up-to-date settlement policies in the Core Strategy and in this respect would not represent a sustainable form of development. I have also found that harm would be incurred in terms of the

impact of the proposed development on the character and appearance of the area. This adds further considerable weight against the proposal to that already identified.

36. Against this has to be balanced the fact that I have not found harm in relation to the living conditions of future occupiers, to which I attach moderate weight. I also considered factors in favour of the proposed development (other considerations) as outlined above. As I have attached limited weight to these considerations, on balance these factors would not clearly outweigh the harm that would be caused by this development. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist and the proposal would be contrary to Key Statement EN1 of the Core Strategy.

Conclusion

37. In light of the reasoning set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR

Appeal Decision

Site visit made on 17 August 2016

by **Richard McCoy BSc MSc DipTP MRTPI IHBC**

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

Decision date: 7 September 2016

Appeal Ref: APP/T2350/W/16/3152831

Land adjacent to Southport House, Sawley, Clitheroe BB7 4LE

- 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 J B Sutton against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0509, dated 10 June 2015, was refused by notice dated 24 December 2015.
 - The development proposed is the demolition of existing redundant poultry sheds and construction of new detached dwelling.
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are whether this would be a suitable location for the proposed housing development and the effect of the proposal as a development within the setting of nearby heritage assets.

Reasons

3. The appeal site is located immediately to the south of an unnamed road (formerly part of the A59) and contains 4 no. poultry sheds that are in a poor state of repair. It stands outside the village of Sawley, adjacent to the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and the Sawley Conservation Area. Sawley Abbey lies approximately 175m north of the site.
4. The remains of the abbey and the area of surviving earthworks within the abbey precinct are a scheduled ancient monument (SAM), and the standing structures are also Grade I listed buildings. The north side of the unnamed road marks the boundary of the AONB, the SAM and the Conservation Area. Nearby are Southport House, Abbey Cottage, and Ivy Cottage and Reading Room, all Grade II listed buildings. Proposed is the erection of a single dwelling.

New dwelling in the countryside

5. The parties agree that the proposal would be located in the countryside. Concerns were raised that the proposal would conflict with the development strategy for the Borough, as set out in Key Statements DS1 and DS2, and Policies DMG2, DMG3 and DMH3 of the adopted *Core Strategy 2008 – 2028 A*
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Local Plan for Ribble Valley (CS), as there would be insufficient justification for the dwelling at this location. In addition, concerns were raised that the proposal would not benefit from adequate access to local services or facilities.

6. The appeal site stands in close proximity to the village. CS Key Statement DS1 seeks to direct the majority of new housing development to the identified strategic sites, principal settlements and the "Tier 1 Villages". "Tier 2 village settlements" in DS1, including Sawley, are considered to be less sustainable locations where development will need to meet proven local needs or deliver regeneration benefits.
7. I observed that Sawley contains a limited range of services with a broader range being located in Chatburn and Clitheroe (around 2.5 and 5.5km distant respectively). In addition, the proposal would be situated in an area with limited public transport services. In which case, it is likely that occupiers of the development would need to travel by private car to surrounding larger settlements for day-to-day needs.
8. From the evidence, it has not been demonstrated that the proposal, as a development in the countryside, would satisfy any of the considerations set out in CS Policy DMG2 or the criteria of CS Policy DMH3. These restrict new residential development in the countryside to that which is essential for agriculture or which meets an identified local need, or is an appropriate conversion of a building(s) or a rebuilding or replacement of an existing dwelling(s).
9. Neither has it been demonstrated that the proposal would be of an exceptional quality or an innovative nature of design. Accordingly, notwithstanding that the appeal site is previously developed land, I consider that the proposal would conflict with CS Key Statements DS1 and DS2, and Policies DMG2, DMG3 and DMH3.

The settings of nearby heritage assets

10. The National Planning Policy Framework (NPPF) defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral. The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.
11. Significance derives not only from a heritage asset's physical presence, but also from its setting. The NPPF makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be. Significance can be harmed through development within an asset's setting.
12. Historic England guidance; *The Setting of Heritage Assets*, indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. I agree with

the parties that the heritage assets that would be affected by this proposal as a development within their settings are Southport House, Abbey Cottage, Ivy Cottage and the Reading Room, Sawley Abbey SAM and Grade I listed buildings and the Sawley Conservation Area.

13. With regard to the listed buildings at Sawley Abbey, Abbey Cottage, Ivy Cottage and the Reading Room, the fabric of these heritage assets would remain untouched by the proposal and from what I observed that is where the majority of their significance rests. In my judgement, given the intervening distance, buildings and mature vegetation, the inter-visibility between them and the proposal would be negligible. In which case, the peripheral location of the proposal in relation to these heritage assets would prevent it impinging on their significance. I find therefore that the proposal would be unlikely to adversely affect the significance of these heritage assets as a development within their settings and would not conflict with CS Policies EN5 and DME4.
14. As for the SAM and the Conservation Area, these heritage assets are centred on, and characterised by, the standing remains of Sawley Abbey. The proposed development would take place outwith their defined boundaries. In my judgement, the appeal site is not integral to the understanding or appreciation of these heritage assets and given the very minor part of their settings that would be affected, I consider that the proposal would not result in any harm to their significance. Accordingly, it would not conflict with CS Policy DME4.
15. Turning to consider Southport House, this listed building stands prominently at the junction of the former stretch of the A59 with the road that leads into the village. Its formal front (principal) elevation gives it a strong physical presence that is exerted over its immediate surroundings, including the appeal site. Consequently, its setting does, to some degree, contribute to its significance. The introduction of a development of the scale proposed within this context would have a harmful impact on the significance of this heritage asset as a development within its setting.
16. Accordingly, giving considerable weight to paying special regard to the desirability of preserving the setting of the listed building, I conclude that the proposal would harm the setting of this historic asset as a development within its setting, in conflict with CS Policies EN5 and DME4.
17. With regard to the degree of harm, the Planning Practice Guidance (PPG) sets out that "substantial harm" is a high test and goes on to note that in terms of assessing proposals affecting listed buildings, the key question is whether the adverse impact seriously affects a key element of their special architectural and historic interest. In this case, the significance of the listed building encompasses its historic, evidential and aesthetic values, the majority of which derives from its historic fabric which would be unaffected by the proposal. Consequently, I consider that the harm arising to the significance of the heritage asset, would be less than substantial.
18. Under paragraph 134 of the NPPF this harm should be weighed against any public benefits of the proposal, including securing the asset's optimum viable use. This is a matter to which I return below.

Other matters

19. Concerns were raised that the proposal would be harmful to the setting of the AONB. However, I consider that as a single dwelling, the proposal would be a very minor development that would affect a very small part of the AONB. This would result in an insignificant effect on its overall landscape and scenic beauty, and cultural heritage. Accordingly, the proposal would not conflict with CS Policy DMG2.
20. Planning permission ref. 3/2012/0797 granted permission for a Static Caravan/Lodge Park at the appeal site. While the Council argued that the permission had expired, the appellant pointed out that it had been secured by the creation of a hard-standing for 1 of the lodges. The appellant claimed that the permission could therefore be erected and that would have a greater impact on the nearby heritage assets and the AONB, and generate more private car journeys, than the appeal proposal.
21. While I do not have the details of the permission before me, I note that it related to several lodges but that the officer Report identified that visual prominence on the site was minimal due to the low-rise and 'fragmented' nature of development. From what I observed, given the site characteristics and the scale and bulk of the proposed dwelling, I consider that the effect of the lodges on the heritage assets and the AONB would similar to, rather than more harmful than, the appeal proposal.
22. Moreover, the appellant pointed out that the commercial viability of the lodges was poor given that similar sites in direct competition were in close proximity to Sawley and were operated by large national companies. The appellant also noted that the amenity space provided by the lodges is also very poor with virtually no space for recreational facilities, nor is there space for manager or owner oversight. In my judgement, this would call into question the likelihood of this development being fully implemented. Against this background, I give this consideration limited weight.

NPPF paragraph 134 balance

23. The proposal would result in less than substantial harm to the significance of a heritage asset as a development within its setting. Against this, the appellant argued that the removal of the redundant poultry sheds from the appeal site would be a benefit that would enhance the settings of Abbey Cottage, Ivy Cottage and the Reading Room, Sawley Abbey SAM and Grade I listed buildings, and the Sawley Conservation Area and AONB. However, I have found that the appeal site is peripheral to their settings and as such makes a small contribution to their significance.
24. In the case of Southport House, I agree that the enhancement brought about by the removal of the poultry sheds would be more marked but it has not been demonstrated that this proposal is the only means by which their removal may be facilitated. Furthermore, in my judgement, it has not been demonstrated that the proposal would achieve the optimum viable use for the heritage asset. Consequently, I attach limited weight to this benefit.
25. Accordingly, giving considerable weight to the desirability of preserving the setting of the listed building under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the claimed public

benefits would not outweigh the harm and the proposal would be contrary to CS Policies EN5 and DME4, and NPPF paragraph 134.

Conclusion

26. I have identified that the proposal would conflict with the development strategy for the Borough, as set out in CS Key Statements DS1 and DS2, and Policies DMG2, DMG3 and DMH3, and would cause less than substantial harm to a designated historic asset as a development within its setting, in conflict with CS Policies EN5 and DME4. Against this, the proposal would result in the removal of existing poultry sheds from the appeal site and would result in no greater harm than an approved static caravan/holiday lodge development on the site.
27. However, I consider that these matters attract limited weight and would not be sufficient to outweigh the harm, giving considerable weight to paying special regard to the desirability of preserving the setting of the listed building, as reflected in paragraph 132 of the NPPF.
28. Therefore, notwithstanding the appellant's frustration with the Council's handling of the application and the representations in support of the proposal, for the reasons set out above, I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR

Appeal Decision

Site visit made on 6 September 2016

by **I Jenkins BSc CEng MICE MCIWEM**

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

Decision date: 12 September 2016

Appeal Ref: APP/T2350/D/16/3153515

Riverside Cottage, Sawley Road, Sawley, Clitheroe, BB7 4NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Aspden against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0286, dated 18 March 2016, was refused by notice dated 28 April 2016.
 - The development proposed is the replacement of wood windows with sash PVCu.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are the effect of the proposal on the character and appearance of the Sawley Conservation Area (SCA) and the setting of Sawley Bridge, which is Grade II Listed.

Reasons

3. The single-storey Riverside Cottage (RC) together with Riverside Barn (RB), Bridge End Farm (BEF) and a number of outbuildings comprise a small group of buildings which is adjacent to the southern end of Sawley Bridge within the village of Sawley. The SCA appears to take in the majority of built development within the village, including the RC/RB/BEF group.
 4. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990, as amended* (the Act) requires that in considering whether to grant planning permission for development which affects the setting of a listed building, special regard shall be had to the desirability of preserving its setting. Section 72(1) of the Act requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The *National Planning Policy Framework* (the Framework) indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting.
 5. Sawley Conservation Area Appraisal (SCAA) describes Sawley as a loose knit village with large areas of open space in between the houses, comprising for the most part of pasture and hay meadows bordering the River Ribble.
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It indicates that most of the historic dwellings in Sawley are farmhouses and converted barns or small cottages. This description fits the RC/RB/BEF group which is set apart from other buildings within the village. The SCAA identifies Riverside Barn, a 19th Century barn, and Bridge End Farm, a 19th Century farmhouse, as buildings of townscape merit and comments that the survival of original materials and details, and the basic, historic form of the buildings, is important, as is the contribution they make to the built environment.

6. Elsewhere in the SCA the built development includes a wider variety of building shapes, sizes and period styles and there are a significant number of buildings of more modern appearance which have PVCu framed windows. Furthermore, the SCAA indicates that the 'incremental loss of original building materials and detailing has been noted on many of the historic buildings within the SCA, particularly the replacement of timber sash windows with PVCu alternatives...these minor alterations can cumulatively have an adverse effect on the SCA'. Although there are road signs positioned on either side of the highway close to RC, in my view, these small signs mounted on slender poles have little impact on the character and appearance of the SCA.
7. All three of the main buildings within the group, RC/RB/BEF, have timber framed windows. Whilst BEF has sliding sash windows, the other 2 buildings have casement windows, which the Council has indicated are a feature of local barns; a matter not disputed by the appellant. I consider that the existing timber windows of Riverside Cottage make an important contribution to the traditional appearance of the building, which adds to the group value of the RC/RB/BEF and the positive contribution the group makes to the historic character and appearance of the SCA and the setting of Sawley Bridge, which is Grade II Listed, not least due to the isolated position of the group and bridge from other development within the village which is more diverse in character.
8. The proposal involves the replacement of the windows within Riverside Cottage with PVCu¹ framed windows of a sliding sash design. The appellant has indicated that the colour of the proposed frames would be comparable to that of the existing frames. Whilst I understand that the proposed frames would have a 'wood grain texture look', in my experience, the PVCu frames would still be likely to have a relatively smooth and regular appearance in comparison with painted timber framed windows. Furthermore, based on the brochure details provided by the appellant, other features of the proposed windows, which would identify them as modern PVCu replacements, would be the glazing bars, which would have a narrower and less robust appearance than those in the existing windows, and the trickle vents at the heads of the windows.
9. The small group of buildings of which Riverside Cottage forms part occupies a prominent position at the southern end of Sawley Bridge. The windows within the front elevation of the cottage would be clearly visible from the nearby section of footway along the southern edge of Sawley Road. The modern, replacement windows would have a detrimental effect on the character and appearance of the Conservation Area and the setting of Sawley Bridge. I acknowledge that the windows in the rear elevation of the building would not normally be visible to the public and so replacement of them as proposed would not have a material impact on the appearance of the Conservation Area as appreciated from public vantage points. Nonetheless, those proposed

¹ Referred to as PVCu on the planning application form and uPVC by the Council and the appellant in his appeal statement.

changes would diminish the historic character of the building and thereby its contribution to the character of the Conservation Area.

10. Whilst I consider that the replacement of windows in this one building would cause less than substantial harm to the significance of the SCA and Sawley Bridge as designated heritage assets, I conclude that the proposal would neither preserve nor enhance the character or appearance of the SCA and it would adversely affect the setting of Sawley Bridge. In these respects it would conflict with Policies EN5, DME4, and DMG1 of the *Ribble Valley Borough Council Core Strategy 2008-2028* (CS).
11. The Framework indicates that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
12. The appellant has indicated that, in comparison with the existing windows, the proposal would reduce condensation, loss of heat and energy costs, in keeping with the energy efficiency aims of CS Policy DMG1 and the Framework. However, I have no reason to believe that the same could not be achieved through a combination of timber framed windows and secondary glazing. Neither timber nor PVCu frames are maintenance free. Whilst the appellant has suggested that it is costly to maintain, repair and replace timber framed windows, in the absence of cost comparison data, it is unclear whether PVCu represents a less costly option overall.
13. Both the Council and the appellant have drawn my attention to a number of previous appeal decisions involving PVCu replacement windows, some of which were allowed and others dismissed. However, whilst I do not know the full circumstances of those cases, it appears that none are directly comparable to the scheme before me, not least as it relates to development within the SCA, and so I have found them to be of little assistance.
14. The appellant has indicated that the Council has granted planning permission for the replacement of timber windows with PVCu in another Conservation Area and expresses the concern that the Council is not consistent in its approach. Nevertheless, whilst consistency is desirable, each case must be considered primarily on its own merits. The appellant's concern does not alter the planning merits of the proposal before me, upon which my decision is based.
15. I conclude on balance, having had regard to the environmental, social and economic implications of the proposal, that the benefits of the scheme would not outweigh the harm that I have identified. It would not amount to sustainable development under the terms of the Framework and would conflict with the Development Plan taken as a whole.

Conclusion

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

I Jenkins

INSPECTOR

Appeal Decision

Site visit made on 6 September 2016

by **I Jenkins BSc CEng MICE MCIWEM**

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

Decision date: 12 September 2016

Appeal Ref: APP/T2350/D/16/3153513

Riverside Barn, Sawley Road, Sawley, Clitheroe, BB7 4NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Aspden against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0284, dated 18 March 2016, was refused by notice dated 28 April 2016.
 - The development proposed is the replacement of wood windows with sash PVCu.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are the effect of the proposal on the character and appearance of the Sawley Conservation Area (SCA) and the setting of Sawley Bridge, which is Grade II Listed.

Reasons

3. Riverside Barn (RB) together with Riverside Cottage (RC), Bridge End Farm (BEF) and a number of outbuildings comprise a small group of buildings which is adjacent to the southern end of Sawley Bridge within the village of Sawley. The SCA appears to take in the majority of built development within the village, including the RB/RC/BEF group.
 4. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990, as amended* (the Act) requires that in considering whether to grant planning permission for development which affects the setting of a listed building, special regard shall be had to the desirability of preserving its setting. Section 72(1) of the Act requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The *National Planning Policy Framework* (the Framework) indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting.
 5. Sawley Conservation Area Appraisal (SCAA) describes Sawley as a loose knit village with large areas of open space in between the houses, comprising for the most part of pasture and hay meadows bordering the River Ribble. It indicates that most of the historic dwellings in Sawley are farmhouses and
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converted barns or small cottages. This description fits the RB/RC/BEF group which is set apart from other buildings within the village. The SCAA identifies Riverside Barn, a 19th Century barn, and Bridge End Farm, a 19th Century farmhouse, as buildings of townscape merit and comments that the survival of original materials and details, and the basic, historic form of the buildings, is important, as is the contribution they make to the built environment.

6. Elsewhere in the SCA the built development includes a wider variety of building shapes, sizes and period styles and there are a significant number of buildings of more modern appearance which have PVCu framed windows. Furthermore, the SCAA indicates that the 'incremental loss of original building materials and detailing has been noted on many of the historic buildings within the SCA, particularly the replacement of timber sash windows with PVCu alternatives...these minor alterations can cumulatively have an adverse effect on the SCA'. Although there are road signs positioned on either side of the highway close to RB, in my view, these small signs mounted on slender poles have little impact on the character and appearance of the SCA.
7. All three of the main buildings within the group, RB/RC/BEF, have timber framed windows. Whilst BEF has sliding sash windows, the other 2 buildings have casement windows, which the Council has indicated are a feature of local barns; a matter not disputed by the appellant. I consider that the existing timber windows of Riverside Barn make an important contribution to the traditional appearance of the building, which adds to the group value of the RB/RC/BEF and the positive contribution the group makes to the historic character and appearance of the SCA and the setting of Sawley Bridge, which is Grade II Listed, not least due to the isolated position of the group and bridge from other development within the village which is more diverse in character.
8. The proposal involves the replacement of the windows within Riverside Barn with PVCu¹ framed windows of a sliding sash design. The appellant has indicated that the colour of the proposed frames would be comparable to that of the existing frames. Whilst I understand that the proposed frames would have a 'wood grain texture look', in my experience, the PVCu frames would still be likely to have a relatively smooth and regular appearance in comparison with painted timber framed windows. Furthermore, based on the brochure details provided by the appellant, other features of the proposed windows, which would identify them as modern PVCu replacements, would be the glazing bars, which would have a narrower and less robust appearance than those in the existing windows, and the trickle vents at the heads of the windows.
9. The small group of buildings of which Riverside Barn forms part occupies a prominent position at the southern end of Sawley Bridge. The windows within the northern and eastern elevations of the Barn would be clearly visible from the nearby section of footway along the southern edge of Sawley Road. The modern, replacement windows in those elevations would have a detrimental effect on the character and appearance of the Conservation Area and the setting of Sawley Bridge. I acknowledge that the detailing of the windows in the southern and western elevations of the building would not normally be visible to the public, although the latter is visible from a public footpath some distance away along the northern side of the river. Therefore, replacement of the windows in those 2 elevations would not have a

¹ Referred to as PVCu on the planning application form and uPVC by the Council and the appellant in his appeal statement.

material impact on the appearance of the Conservation Area as appreciated from public vantage points. Nonetheless, those proposed changes would diminish the historic character of the building and thereby its contribution to the character of the Conservation Area.

10. Whilst I consider that the replacement of windows in this one building would cause less than substantial harm to the significance of the SCA and Sawley Bridge as designated heritage assets, I conclude that the proposal would neither preserve nor enhance the character or appearance of the SCA and it would adversely affect the setting of Sawley Bridge. In these respects it would conflict with Policies EN5, DME4, and DMG1 of the *Ribble Valley Borough Council Core Strategy 2008-2028* (CS).
11. The Framework indicates that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
12. The appellant has indicated that, in comparison with the existing windows, the proposal would reduce condensation, loss of heat and energy costs, in keeping with the energy efficiency aims of CS Policy DMG1 and the Framework. However, I have no reason to believe that the same could not be achieved through a combination of timber framed windows and secondary glazing. Neither timber nor PVCu frames are maintenance free. Whilst the appellant has suggested that it is costly to maintain, repair and replace timber framed windows, in the absence of cost comparison data, it is unclear whether PVCu represents a less costly option overall.
13. Both the Council and the appellant have drawn my attention to a number of previous appeal decisions involving PVCu replacement windows, some of which were allowed and others dismissed. However, whilst I do not know the full circumstances of those cases, it appears that none are directly comparable to the scheme before me, not least as it relates to development within the SCA, and so I have found them to be of little assistance.
14. The appellant has indicated that the Council has granted planning permission for the replacement of timber windows with PVCu in another Conservation Area and expresses the concern that the Council is not consistent in its approach. Nevertheless, whilst consistency is desirable, each case must be considered primarily on its own merits. The appellant's concern does not alter the planning merits of the proposal before me, upon which my decision is based.
15. I conclude on balance, having had regard to the environmental, social and economic implications of the proposal, that the benefits of the scheme would not outweigh the harm that I have identified. It would not amount to sustainable development under the terms of the Framework and would conflict with the Development Plan taken as a whole.

Conclusion

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

I Jenkins

INSPECTOR

Appeal Decision

Site visit made on 9 August 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 27th September 2016

Appeal Ref: APP/T2350/W/16/3150631

Lambing Clough Barn, Lambing Clough Lane, Hurst Green, Clitheroe, Lancashire BB7 9QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr Richard Wilkinson against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0125, dated 1 February 2016, was refused by notice dated 22 March 2016.
 - The development proposed is the change of use of agricultural building to a dwelling house (Class C3), and for associated operational development (Class Q) at Lambing Clough Barn.
-

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for the change of use of agricultural building to a dwelling house (Class C3), and for associated operational development (Class Q) at The Lambing Shed, Lambing Clough Lane, Hurst Green, Clitheroe, Lancashire BB7 9QN in accordance with the details submitted pursuant to Schedule 2, Part 3, Class Q of the GPDO, subject to the conditions contained within the Schedule attached to this decision.

Application for costs

2. An application for costs was made by Mr Richard Wilkinson against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appellant seeks prior approval for the conversion of the appeal building to a dwellinghouse under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development (England) Order 2015 (GPDO).
4. A prior approval application was made, dated 15 November 2015¹ and was subsequently determined by the Council, giving notice to the appellant that prior approval was given subject to a condition stating *'The development shall not be begun until the Prior Approval of the Local Planning Authority has been granted regarding Class Q (b) of the Order relating to the design or external of the*

¹ LPA Ref 3/2015/0959

appearance of the proposed dwelling.' Therefore, the Council has accepted the principle of the proposed development.

5. A further prior approval application was made to the Council, dated 1 February 2016². This application was made explicitly under Class Q.(b) of the Order, in accordance with the condition attached to 3/2015/0959. The Council determined that prior approval was refused for the following reasons:
 - 1) The proposed change of use and associated operational development cannot be considered through the prior approval procedure as the development has already commenced contrary to Paragraph W(11) of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - 2) The proposed development fails to provide sufficient vehicular parking within the residential curtilage of the dwellinghouse. The domestic use of land beyond the area shown as curtilage would be essential and unavoidable and the proposal could not be implemented without it. This would result in a curtilage area that exceeds the limits defined in Paragraph X of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
6. The appellant argues that the application ref 03/2015/0959 should have been considered as a Class Q.(a) and (b) application based on the information submitted with it. However, whether or not the Council dealt with that application correctly is not a matter before me in the consideration of this appeal. I have determined the appeal based on the appeal submission, which is with regard to the Council's refusal of application 3/2016/0125.

Main Issues

7. The main issues in this appeal are:
 - Whether the development has commenced; and,
 - Whether the development would provide sufficient parking provision.

Reasons

Commencement of development

8. In their first reason for refusal, the Council contend that the building has been altered with the intention of converting it into a residential unit, including, but not limited to, the installation of an oil tank, double glazed windows and an en-suite. Whilst I was unable to gain access to the building during my site visit, I have no reason to doubt the Council Officer's observations that these features are present within the building.
9. However, there is some doubt as to whether these works were carried out between the Council's granting of prior approval for application 03/2015/0959 and the application which is the subject of this appeal. The appellant states that some internal works had been carried out, for which permission would not have been required. In granting prior approval under Class Q.(a), the Council must have considered the condition of the building and determined that any works that might have been undertaken to it did not fail to comply with Q.2 (1) of Class Q. Therefore, in the consideration of the proposal before me the question is whether

² LPA Ref 3/2016/0125

the works were carried out following the Class Q.(a) prior approval. Based on the limited evidence before me, on the balance of probabilities, I find that works had not commenced following the Class Q.(a) prior approval that would result in the proposed development failing to comply with Q.2 (1) of Class Q.

Parking Provision

10. The application submission includes a plan outlining the proposed curtilage area, which the Council confirms is in accordance with the requirements of the GPDO. However, the Council contend that the curtilage does not include any parking provision, waste/recycling and cycle storage and therefore the area of domestic land required for the dwelling would extend beyond the defined curtilage.
11. In its consideration of application 3/2015/0959, the Council explicitly accepted that the extent of the curtilage was acceptable and that the development would not raise any highway issues. In granting the Q(a) prior approval, the Council found that the proposal was acceptable with regard to Q.2 sub-paragraphs (1)(a) to (e) and the provisions of paragraph W.
12. Notwithstanding the above, there would appear to be sufficient room for waste/recycling and cycle storage within the defined curtilage. With regard to whether or not the curtilage could accommodate car parking, as the Council accepted that the development would not raise any highway issues in the Q(a) prior approval, insisting upon car parking provision would go beyond the provisions of Class Q, which does not specifically require the development to provide parking. Nevertheless, there would appear to be sufficient off-road parking provision around the site, within the applicant's ownership.

Conditions

13. I have had regard to the various conditions suggested by the Council. I have imposed conditions to ensure that, in accordance with the GPDO, development must be carried out within three years from the date of this decision and in compliance with the approved plans.
14. In the interests of the character and appearance of the building and the area, conditions are necessary regarding boundary treatments, doors, windows, gutters and roof lights.
15. I do not consider that exceptional circumstances have been demonstrated to justify the removal of permitted development rights.
16. With regard to a condition referring to the curtilage as outlined on plan PHD.RW.2000, this plan is one of the approved plans already covered in the condition I have referred to above. Accordingly, a separate condition referring to this plan is not necessary.

Conclusion

17. I therefore conclude that in relation to Class Q sufficient information has been provided to enable me to allow the appeal.
18. For the reasons given above, I find that the proposed change of use is permitted development under Class Q and as such, having considered all matters raised, the appeal is allowed and approval granted.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted must be completed within a period of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:2500, PHD.RW.1000, PHD.RW.2000, PHD.RW.3000 and PHD.RW.4000,
- 3) Prior to the first occupation of the hereby approved dwelling, full details of the alignment, height and appearance of all boundary treatment, including but not limited to fences, walls and gates to be erected shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to first occupation of the hereby approved dwelling.
- 4) All new doors and windows shall be constructed of timber and shall be retained as such in perpetuity.
- 5) All new and replacement gutters shall be cast iron or aluminium supported on 'drive in' galvanised gutter brackets and shall be retained as such in perpetuity.
- 6) The proposed roof lights shall be of the conservation type, recessed with a flush fitting and shall be retained as such in perpetuity.

Appeal Decision

Site visit made on 6 September 2016

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 28 September 2016

Appeal Ref: APP/T2350/W/15/3064545

Land adjacent to Clitheroe Road, West Bradford, Clitheroe, Lancashire BB7 4SH

- 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 Mrs V Middleton against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2014/0697, dated 25 July 2014, was refused by notice dated 4 December 2014.
 - The development proposed is 11 no. residential units.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved at this stage. This is the basis upon which this appeal has been determined.
3. The original planning application was submitted by Singleton, Middleton and Wrathall whilst the appeal was submitted by Mrs V Middleton. For reasons of clarity I have used the latter for the purposes of this appeal.
4. Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Consequently, this appeal will be determined according to the Ribble Valley Borough Council Core Strategy 2008-2028: A Local Plan for Ribble Valley 2014 (CS) and the National Planning Policy Framework 2012 (the Framework).
5. The Council had an emerging plan that was at an advanced stage prior to the determination of the original application. Paragraph 216 of the Framework states that decision-makers can give weight to an emerging plan according to, among other things, its stage of preparation. The more advanced, the greater the weight that can be given. Consequently, I am satisfied that the policies of the emerging plan were a significant material consideration. I am also satisfied that the original application was determined in accordance with planning law, as is clear from the wording of the decision notice.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended)

Application for Costs

6. An application for costs was made by Ribble Valley Borough Council against Mrs V Middleton. This application will be the subject of a separate Decision.

Main Issues

7. The main issues are:
 - the effect of the proposal on the character and appearance of the local area;
 - the effect of the proposal the safe and efficient operation of the local road network; and
 - whether a sequential test is required.

Reasons

Character and appearance

8. The appeal site is part of an agricultural field in the open countryside beyond the settlement limit of West Bradford. The northern boundary of the appeal site adjoins existing residential development and the Clitheroe Road. It faces a small cluster of dwellings on the opposite side of the road. The southern boundary aligns with the rear gardens of the properties situated on Meadow Croft and wraps around a terrace that fronts onto the Clitheroe Road.
9. I note from the indicative plans and my site visit that the proposal would lead to a significant encroachment into the open countryside despite the alignment of the appeal site boundary with the adjacent dwellings to the northwest. This is because the density of the proposed dwellings would lead to a highly incongruent, suburbanised ribbon development. The appeal site occupies a prominent location on one of the main approaches to the village where the layout of the settlement dissipates into an irregular, more sparsely-arranged layout. Consequently, the scheme would be significantly at odds with the transitional, open character of this part of the village. It would result in an inappropriate over-dominance of buildings and associated domestic paraphernalia.
10. The appellant recognises that the Council has a deliverable 5-year housing land supply but is of the opinion that the proposal will meet an identified need for affordable housing in West Bradford². The village is classified as a Tier 2 settlement in Key Statement DS1 of the CS. This means that development can only occur if it meets proven local needs or delivers regeneration benefits. Policy DMG2 of the CS goes on to specify a number of additional exceptions where development may be permitted, either within the settlement itself or beyond its boundary. When it is in the open countryside this policy requires it to be in keeping with the character of the surrounding landscape. Given the significant encroachment that would occur this would clearly not be the case.
11. Whilst I accept that the provision of affordable housing at this location has some policy justification, the majority of the proposal comprises open market housing. Consequently, the fact that it would meet an identified local need is outweighed by the extent of the open market housing relative to the number of affordable homes that would be created. In this particular instance I have no

² West Bradford Housing Needs Survey 2013

evidence before me to suggest that the extent of the open market housing that has been proposed is the minimum required to facilitate the affordable housing element of the scheme. Furthermore, the location of the development outside the settlement limit would undermine the established settlement hierarchy of a recently adopted plan and prejudice its spatial objectives thus failing to deliver a genuinely plan-led system, as required by paragraph 17 of the Framework.

12. Given the above, I conclude that significant harm would be caused to the character and appearance of the local area and that, on balance, the proposal would conflict with key statement DS1 and policies DMG2 and DMH3 of the CS. The latter seeks, among other things, to ensure that development in the open countryside is essential for the purposes of agriculture or residential development which meets an identified local need. As a result the proposal would not be in accordance with the development plan.

Highway safety

13. In their fourth reason for refusal the Council have highlighted a failure to submit a suitable access strategy for pedestrians and vehicles. I acknowledge that a number of concerns were raised by the Highways Authority and other interested parties and that most of these could be addressed as reserved matters. However, I am not satisfied that the scope of the transport assessment³ was sufficient to demonstrate that a significant cumulative impact on the safe and efficient operation of the local road network would be avoided.
14. This is because it was not supported by a quantification of existing road traffic conditions or any robust prediction of how these might change in the future as a result of the proposed scheme. Traffic congestion has been raised as an issue by a significant number of local residents. Whilst I accept that the assessment has sought to address the issues raised by the Highways Authority, I have nothing before me to counter the contention of local residents and the Parish Council that existing road traffic congestion is a significant issue and that the proposal would consequently have a detrimental, cumulative impact on the local road network.
15. Given the above and in the absence of substantiated evidence to the contrary, I conclude that the proposal would cause significant harm to the safe and efficient operation of the local road network and that this would conflict with policies DMG1 and DMG3 of the CS that seek, among other things, to ensure that the potential traffic implications of development are considered and that adequate infrastructure is available in relation to the primary route network and strategic road network. As a result the proposal would not be in accordance with the development plan.

Sequential test

16. The site is situated within Flood Zone 2 which is defined in the Planning Practice Guidance 2014 (as amended) (PPG) as a medium flood risk area with an annual probability of river flooding between a 1 in 100 and 1 in 1,000. This risk is predominantly associated with River Ribble and its tributaries.
17. Paragraph 100 of the Framework advises that inappropriate development in areas at risk from flooding should be avoided by directing development

³ Transport, Travel and Parking Assessment (Ref:4529) July 2014.

away from areas at highest risk. Paragraph 101 goes on to advise that a sequential, risk-based approach must be taken that steers development towards areas of lower risk. This should be applied in all areas known to be at risk from any form of flooding.

18. I acknowledge the flood risk assessment⁴ and note that no sequential test was applied. This remained the case prior to determination. The requirement for this test is clearly set out within the Framework and highlighted in the appellant's own assessment. I also note that the proposal does not conform to the exemption for minor developments, as set out in the PPG. Given the above, I conclude that a sequential test was required and that the failure to apply this test is contrary to paragraph 101 of the Framework.

Other Matters

19. Paragraph 7 of the Framework advises that there are three dimensions to sustainable development: economic, social and environmental. Whilst it may be possible to deliver positive gains to one of these, this should not be to the detriment of another. In order to achieve sustainable development, the Framework advises that the planning system should ensure that economic, social and environmental gains are sought jointly and simultaneously. This involves not only seeking positive improvements in the quality of people's lives but also the built, natural and historic environments. Given the harm that would be caused to rural character and highway safety and considering the Framework as a whole, I conclude that the proposal would not constitute sustainable development and would therefore be contrary to paragraph 14 of the Framework.
20. The appellant has drawn my attention to the approval of similar development elsewhere which is alleged to have been permitted by the Council as well as discussions that are alleged to have occurred with a local housing association. However, I do not have the full facts and circumstances of these matters before me. Consequently, they carry little weight in the balance of this appeal.
21. The appellant is of the opinion that the Council acted unreasonably because its final decision did not reflect the pre-application advice it provided. However, the Council is entitled to reach a decision on the basis of all the available evidence irrespective of any informal advice that may have been provided. In any event no weight can be given to this matter because it took place before the application was determined and the consequent grounds of this appeal were established. This is also the case for the length of time it took for the Council to validate the application which the appellant claims was a 'deliberate delay tactic'.

Conclusion

22. For the above reasons and have regard to all other matters raised I conclude that, on balance, this appeal should be dismissed.

Roger Catchpole

INSPECTOR

⁴ Flood Risk Assessment Report (Ref: BE/14014/1) June 2014.