



## Appeal Decision

Site visit made on 18 September 2018

**by Felicity Thompson BA(Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 December 2018**

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**Appeal Ref: APP/T2350/W/18/3202661**

**New Ings Farm, Hellifield Road, Bolton by Bowland, BB7 4LU**

- 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 M Alexander against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2018/0079, dated 24 January 2018, was refused by notice dated 19 March 2018.
  - The development proposed is conversion of barn to two dwellings creation of garages and gardens installation of new sewage treatment plant.
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### Decision

1. The appeal is allowed. Planning permission is granted for conversion of barn to two dwellings creation of garages and gardens installation of new sewage treatment plant at New Ings Farm, Hellifield Road, Bolton by Bowland, BB7 4LU in accordance with the terms of the application, Ref: 3/2018/0079, dated 24 January 2018, subject to the conditions in the attached schedule.

### Procedural Matter

2. Since the appeal was submitted the revised National Planning Policy Framework (the Framework) has been published. Both main parties were invited to submit comments on the relevance of the revised Framework to this case. I have taken any comments received into consideration and assessed this appeal in light of the revised Framework.

### Main Issues

3. The main issues are:
  - Whether the building would be suitable for conversion to housing having regard to its location and the effect upon the character and appearance of the area, including the Forest of Bowland Area of Outstanding Natural Beauty; and
  - The effect on highway safety with particular regard to the provision of passing places.

## Reasons

### *Location*

4. The appeal site is located in the open countryside within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and consists of a relatively large two storey traditional stone barn with a modern single storey lean-to and a detached single storey outbuilding of traditional construction, also with an attached modern addition.
5. Policy DMH3 of the Ribble Valley Borough Council Core Strategy 2008-2028 A Local Plan for Ribble Valley (Core Strategy) seeks to protect the open countryside and designated landscapes from sporadic or visually harmful development in order to deliver sustainable patterns of development. Policy DMH3 sets out the circumstances under which planning permission for new development in the open countryside or AONB will be granted including, amongst others, the appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. Policy DMH4 of the Core Strategy relates to the conversion of barns and other buildings to dwellings and sets out criteria which must be met, including amongst others, that the building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of an already group of buildings and there would be no materially damaging effect on the landscape qualities of the area.
6. The appeal property is located in a rural landscape which is characterised predominantly by pasture land enclosed by hedgerows and interspersed with farmsteads. The site is located at the end of a private lane, about 1km in length which serves four dwellings and is about 1.5km away from the nearest settlement of Bolton by Bowland. The barn and outbuilding are located around 70m away from the house, New Ing Farm. The appeal buildings and New Ing Farm were once historically and functionally connected and whilst they are physically separate from one another this is not an uncommon arrangement. Moreover, despite the relatively short distance between them when in and around the site the buildings and New Ing Farm have a close visual relationship and appear as a group of buildings. Consequently, in my opinion the appeal buildings form part of an already group of buildings and as such are not isolated in the landscape in accordance with Policies DHM3 and DHM4 of the Core Strategy.
7. Paragraph 79 of the Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It states that isolated new homes in the countryside should be avoided unless there are certain circumstances, including where the development would re-use redundant or disused buildings and enhance its immediate setting. The statutory purpose of AONBs' is to conserve and enhance their natural beauty. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs' which have the highest status of protection in relation to these issues.
8. Wider public views of the barn are mainly restricted to relatively distant and glimpsed views from the Settle Road. Any such glimpses would be limited further, for part of the year, because of the intervening trees. Based on my site

observations, including viewing the site from the Settle Road, I consider that the site is not prominent in wider public views.

9. There is no dispute between the parties that the buildings are considered to be a non-designated heritage asset, the significance of which arises from the evidential, historical and aesthetic value of the buildings and their setting, typical of farmsteads in this part of Bowland and therefore are worthy of retention. The submitted Conversion Assessment found that the main barn and outbuilding are in sound condition and suitable for conversion without any major rebuilding.
10. The proposal includes reusing original openings, with four new windows on the east elevation and one on the west elevation. The 20<sup>th</sup> century lean-to would be altered and replaced with an extension with five large part glazed, recessed openings, of regular size and spacing, built from materials to match the barn. The works to the outbuilding include alterations and an extension to facilitate use as domestic outbuildings. The extent of domestic curtilage would be relatively tightly drawn and would not unacceptably encroach into the surrounding agricultural land. Overall, the alterations to the buildings themselves, despite the relatively large extension to the west elevation, would be sympathetic and would not cause material harm to the character and appearance of the buildings or their significance as a non-designated heritage asset, in accordance with the design and heritage protection aims of policies DMG1 and DME4 of the Core Strategy.
11. Furthermore, the proposed development would secure the long term retention of the building as a non-designated heritage asset, together with the removal of the 20<sup>th</sup> century additions to the buildings and the return of a wrapped silage bale storage area to grass. Overall, I find that the development would enhance the immediate setting of the buildings in accordance with national policy in the Framework.
12. Consequently, I conclude that the barn would be suitable for conversion and the proposed development would not cause material harm to the character and appearance of the area, thereby conserving the landscape and scenic beauty of the Forest of Bowland AONB in accordance with Policies DMH3, DMH4 and Key Statement EN2 of the Core Strategy and the Framework.

#### *Highway safety*

13. The lane is, in places, only wide enough for one vehicle. I noted at my site visit and as the appellant points out, there are a number of places along the lane, about eight, where two vehicles could pass, including one that is close to the junction with the public highway.
14. In my judgement vehicles travelling along this lane are likely to do so at low speeds because of its narrow winding nature, with the majority of trips being made by those who are familiar with the lane. Given the small number of properties it serves, which are spread out along the lane and having regard to the number of existing passing places, I consider that two additional dwellings and the likely vehicle movements associated with them, would not lead to conditions which would be detrimental to highway safety. The proposal would therefore be in accordance with policy DMG1 of the Core Strategy which requires development to ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.

15. The Council has referred to policy DMG3 of the Core Strategy. However, this relates to the availability and adequacy of public transport and associated infrastructure and is not relevant to the reason for refusal.
16. I have noted the response from Lancashire County Council in their email to the Council, which refers to the location of the site, specifically their conclusion that the site is regarded as having poor sustainability because of the reliance on the use of the private car. However, the Council have not relied on this in refusing the application.

### **Other matters**

17. The Council has drawn my attention to and provided a copy of a recent appeal decision for a barn conversion elsewhere in the Borough. In that case the Inspector found that the barn was not in a defined settlement and did not form part of an already group of buildings and also identified landscape harm arising to the landscape character of the AONB by way of prominence and harm to highway safety. On this basis it seems that the circumstances are not comparable and as such I attach only limited weight to the other appeal decision and I am thus not bound by the findings of a previous Inspector. In relation to the main issues in this case I have determined this appeal based on its individual merits.
18. The appeal site is located close to the New Ing Meadow Site of Special Scientific Interest (SSSI) which is an important example of one of the few remaining herb-rich hay meadows typical of this part of Lancashire. There is no evidence to show that the proposed development would harm the SSSI.

### **Conditions**

19. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance (PPG). As a result I have undertaken some editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity and omitted others. I have also limited the number of pre-commencement clauses to those cases where this is essential for the condition to achieve its purpose and those have been agreed by the appellant.
20. I have imposed conditions limiting the life of the planning permission and specified the approved plans, for certainty. In order to ensure a satisfactory appearance I have included conditions requiring the submission of samples of the materials to be used, a condition requiring the windows and doors to be of timber construction, the rooflights to be conservation type and the flues to be painted/coloured a dark matt finish.
21. I have imposed a condition in respect of hard and soft landscaping and another in respect of retained trees on the site. These need to be pre-commencement due to the nature of the works involved and they are necessary to protect the character and appearance of the area.
22. To ensure and safeguard the recording of matters of archaeological/historical importance associated with the building I have imposed a condition requiring a programme of archaeological investigation and recording works, pre-commencement due to the nature of the works involved.

23. I have imposed a condition in respect of foul and surface water drainage being on separate systems in the interests of ensuring a satisfactory means of drainage.
24. In the interests of highway safety I have imposed a condition concerning the parking areas.
25. I have imposed a condition requiring the development to be carried out in accordance with the mitigation measures contained in the Bat, Barn Owl and Nesting Bird Survey in the interests of safeguarding protected species.
26. The Council have also recommended a condition requiring the development to be carried out in accordance with the submitted Conversion Assessment and the submission of a schedule of works including a sequence of operations for the scheme of conversion. No reason has been given and therefore I have imposed a condition requiring the development to be carried out in accordance with the Conversion Assessment. However, in the absence of evidence I consider that it is not necessary to require a schedule of works.
27. The Council have recommended a condition specifying the extent of the curtilage. However, this is not necessary as the curtilage is identified on the approved plans and I have specified a condition requiring compliance with the plans.
28. Three conditions with the effect of removing permitted development rights for external alterations, extension, curtilage buildings, lighting and micro-regeneration equipment have been recommended by the Council. PPG advises that conditions restricting permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. Given the status of the building as a non-designated heritage asset and its location in an AONB I consider that it is reasonable to remove permitted development rights for external alterations, extensions and curtilage buildings, external lighting and micro-regeneration equipment in the interests of preserving the historic character of the building and its landscape setting.

### **Conclusion**

29. For the reasons given above, and having had regard to all other matters raised, the appeal is allowed and planning permission granted subject to the conditions in the attached schedule.

*Felicity Thompson*

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: Site Location Plan (1:2500), 5340-05B, 5340-06A, 5340-07D, 5340-08, 5340-09B.
- 3) Notwithstanding the submitted details, specifications or samples of external walling, door/window surrounds, rainwater goods, roofing/ridge materials and outdoor surfacing, shall have been submitted to and approved in writing by the local planning authority before their use in the development. The development shall be carried out using the approved materials.
- 4) All doors and windows shall be constructed of timber and retained as such in perpetuity.
- 5) Notwithstanding the details shown on the approved plans, the proposed roof lights shall be of conservation type, recessed with a flush fitting, and shall be retained as such in perpetuity.
- 6) Prior to the extraction flues being first brought into use all external parts of the flue and cowl and associated fitments shall be coloured black or a dark matt finish and retained as such in perpetuity unless otherwise first agreed in writing by the local planning authority.
- 7) No demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a scheme for the hard and soft landscaping of the site has been first 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 to be planted, 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 specifications of all retaining structures and boundary treatments (where applicable).

The approved soft landscaping scheme shall be implemented in the first planting season following occupation of the development unless otherwise required by the scheme above, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years. 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.

The hard landscaping shall be implemented in accordance with the approved details prior to the first occupation of the development and retained thereafter at all times.

- 8) The development shall be carried out in strict accordance with the submitted Arboricultural Impact Appraisal Report dated October 2017. During the construction period all trees identified for retention in that report shall be protected with a root protection area in accordance with BS5837 [Trees in Relation to Construction].

Prior to commencement of development a method statement for the construction of a Cellweb TRP cellular confinement root protection system within the root protection area of T3 shall be submitted to and approved

in writing by the local planning authority the details of which shall include the time of the year that the work will be undertaken, details of all materials including the final surfacing and site supervision/monitoring and final inspection. The system shall be installed in accordance with the approved details.

- 9) No development, demolition or site preparation works shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation and recording works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the local planning authority. This should comprise the creation of a level 2/3 record of the pre-1893 buildings as set out in 'Understanding Historic Buildings' (Historic England 2016). It should be undertaken by an appropriately experienced and qualified professional contractor to the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA).
- 10) Foul and surface water shall be drained on separate systems.
- 11) The parking and manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved and made available in accordance with the approved plans prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose.
- 12) The development shall be carried out in accordance with the submitted Conversion Assessment dated 4 July 2017.
- 13) The development shall be carried out in strict accordance with the mitigation measures contained in the submitted Bat, Barn Owl and Nesting Bird Survey.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and re-enacting this Order with or without modification), no development other than that expressly authorised by this permission shall take place which would otherwise be permitted under Schedule 2 Part 1 of the Order.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and re-enacting this Order with or without modification), no development shall take place which would otherwise be permitted under Schedule 2 Part 14 of the Order.
- 16) No external or building mounted lighting shall be erected or placed anywhere within the site to which this permission relates without the written consent of the local planning authority.