



Appeal Decisions

Site visit made on 29 October 2019

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 25th November 2019

Appeal Ref: APP/T2350/W/18/3214150

Great Mitton Hall, Mitton Road, Mitton, Clitheroe BB7 9PQ

- 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 K Kay against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0474, dated 23 May 2018, was refused by notice dated 26 July 2018.
 - The development proposed is the erection of a single storey extension to the south of an existing modern extension to Great Mitton Hall, the reconfiguration of the existing patio and railings, the removal of the pointed arch doorway to the southern wall of the modern extension and its replacement with a window, and the re-painting of the existing rendered gable to the Hall.
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Appeal Ref: APP/T2350/Y/18/3214151

Great Mitton Hall, Mitton Road, Mitton, Clitheroe BB7 9PQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by K Kay against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0468, dated 23 May 2018, was refused by notice dated 26 July 2018.
 - The works proposed are the erection of a single storey extension to the south of an existing modern extension to Great Mitton Hall, the reconfiguration of the existing patio and railings, the removal of the pointed arch doorway to the southern wall of the modern extension and its replacement with a window, and the re-painting of the existing rendered gable to the Hall.
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Decisions

Appeal Ref: APP/T2350/W/18/3214150

1. The appeal is dismissed in so far as it relates to the erection of a single storey extension to the south of an existing modern extension to Great Mitton Hall and to the re-painting of the existing rendered gable to the Hall. The appeal is allowed in so far as it relates to the reconfiguration of the existing patio and railings and the removal of the pointed arch doorway to the southern wall of the modern extension and its replacement with a window.
2. Planning permission is granted for the reconfiguration of the existing patio and railings and the removal of the pointed arch doorway to the southern wall of the modern extension and its replacement with a window at Great Mitton Hall, Mitton Road, Mitton, Clitheroe in accordance with the terms of the application, Ref 3/2018/0474, dated 23 May 2018, and the plans submitted with it, subject to the

condition that the development hereby permitted shall begin not later than three years from the date of this decision.

Appeal Ref: APP/T2350/Y/18/3214151

3. The appeal is dismissed in so far as it relates to the erection of a single storey extension to the south of an existing modern extension to Great Mitton Hall and to the re-painting of the existing rendered gable to the Hall. The appeal is allowed in so far as it relates to the reconfiguration of the existing patio and railings and the removal of the pointed arch doorway to the southern wall of the modern extension and its replacement with a window.

4. Listed building consent is granted for the reconfiguration of the existing patio and railings and the removal of the pointed arch doorway to the southern wall of the modern extension and its replacement with a window at Great Mitton Hall, Mitton Road, Mitton, Clitheroe in accordance with the terms of the application, Ref 3/2018/0468, dated 23 May 2018, and the plans submitted with it, subject to the condition that the works hereby authorised shall begin not later than three years from the date of this decision.

Reasons

5. The main issue is the effect of the proposed works on the architectural and historic interest and significance of Great Mitton Hall, a Grade II listed building.

6. Great Mitton Hall originated in the early 17th century. It is constructed in rubble stone under a steep slate roof. Original windows are mullioned and the south-east gable end is buttressed and rendered. This gable has mullioned windows at all four floor levels; a four light window at basement level, a fourteen light window at ground floor level, a seven light window at first floor level, and a five light window at attic level. At the east corner of the building, adjoining the south-east gable, is a turret with gable roof. The listed building has many other historic features and, to the owner's credit, is well preserved and maintained.

7. Attached to the south-west elevation of the listed building, and set back only slightly from the south-east gable, is a modern single storey extension that is about 7 metres wide and 13 metres long. It has a stone gable but is otherwise rendered under a slate roof. To the left of the south-east elevation of the extension is an arched doorway with chamfered surround. Otherwise the windows in the extension have plain casements. Adjoining the extension, on its south-east side, is a paved terrace with curved railings.

8. The principal element of the proposed works is the erection of a new extension to the extension. It would be about 4.3 metres wide and 2 metres deep, and would be slightly left of centre on the south-east elevation of the existing extension. Other works include the replacement of the arched doorway with a window to match others, reconfiguration of the terrace and railings, and the repainting of the south-east rendered gable end of the original building.

9. The existing extension to the listed building has, at the very best, a neutral effect on the architectural and historic interest of the listed building. Despite its position relative to the distinctive south-east gable of the listed building, it is a simple, restrained, relatively unadorned, structure that doesn't compete with the form and historic detailing of the gable. The principal adornment of the extension is the arched doorway, which, alongside plain casement windows, is incongruous and draws attention away from the gable of the listed building. The replacement of

the doorway with a matching window, in this regard, would be a positive alteration that would benefit the architectural and historic interest of the listed building.

10. The existing extension has a roof pitch significantly lower than that of the listed building; about 24 degrees compared to about 42 degrees. The proposed new extension would have a lean-to roof that would have an even lower roof pitch of about 14 degrees. It would be, consequently, inappropriate and incongruous in form. Furthermore, the extension would be forward of the gable of the listed building and would draw attention to the existing extension and away from the historic gable and its distinguishing fenestration. The new extension would detract from, and would harm, the architectural and historic interest of Great Mitton Hall.

11. The current railings are over-elaborate and replacing them with straight railings would, as is indicated in the Heritage Statement that accompanied the applications, simplify this feature of the immediate surroundings of the listed building. The Statement, with regard to the re-painting of the existing rendered gable to the Hall, states that "By toning down the stark white gable to a stone colour, the Hall will be tonally balanced with the adjacent Church". But white is the traditional colour for painted render and the gable does not need to be 'tonally balanced' with the Church. In this regard there is no justification for the re-painting of the south-east gable end of the Hall.

12. The erection of a single storey extension to the south of the existing modern extension and the re-painting of the existing rendered gable would adversely affect, and would harm, the architectural and historic interest and significance of Great Mitton Hall. These elements of the proposed works conflict with policy DME4 of the Ribble Valley Core Strategy (RVCS). The reconfiguration of the existing patio and railings and the removal of the pointed arch doorway to the southern wall of the modern extension would not harm the architectural and historic interest and significance of Great Mitton Hall. These elements of the proposed works do not conflict with RVCS policy DME4.

13. Paragraph 196 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal. The harm that would be caused to the listed building by the new extension and the re-painting of the gable would be less than substantial but there are no public benefits to be weighed against the harm caused.

Other matters

14. The dwelling is situated close to the Church of All Hallows, a Grade I listed building, and a cross and a sundial within the churchyard are Grade II listed buildings. The new extension would draw attention to the existing extension and therefore away from appreciation of the group of listed buildings, particularly in views from Mitton Bridge which crosses the River Ribble to the south. However, the harm that would be caused would be negligible. The other elements of the proposed works would not harm the setting of the group of listed buildings.

Conditions

15. The Council has suggested conditions that would require the implementation of an approved programme of archaeological investigation, the carrying out of a bat survey and the prior approval of materials. The last two suggested conditions relate to the proposed new extension and are therefore unnecessary. The first

suggested condition could relate to the proposed works to the patio and railings but these works are not likely to require deep digging or the disturbance of ground not previously disturbed. This condition is also not therefore necessary. The only condition necessary, in both cases, is the standard time limit condition.

Conclusion

16. The erection of a single storey extension to the south of the existing modern extension and the re-painting of the existing rendered gable would adversely affect, and would harm, the architectural and historic interest and significance of Great Mitton Hall. For these works the appeals have been dismissed. The reconfiguration of the existing patio and railings and the removal of the pointed arch doorway to the southern wall of the modern extension would not harm the architectural and historic interest and significance of Great Mitton Hall. For these works the appeals have been allowed.

John Braithwaite

Inspector



Appeal Decision

Site visit made on 12 November 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2019

Appeal Ref: APP/T2350/W/19/3231274

Reed Deep, Whalley Road, Hurst Green BB7 9QJ

- 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 Hickey, Roman Developments against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2018/0685, dated 30 July 2018, was refused by notice dated 17 December 2018.
 - The development proposed is the change of use of agricultural land to a site for 8 no Eco Holiday Lodges and associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted an amended plan with the appeal in response to the Council's reason for refusal concerning highway safety. The appellant then submitted at the Final Comments stage, amongst other documents, a Written Statement on Highway and Transportation Matters (the Highway Statement) in response to the appeal representation made by the Highway Authority (HA). The Procedural Guide, Planning Appeals – England makes it clear, however, that no new evidence is allowed to be submitted at this stage of the appeal, and I appreciate that the Council and the HA have not had the opportunity to comment on the Highway Statement's contents. Notwithstanding this, I have taken this document into account as it does not change the appellant's position in relation to my concerns over highway safety, and so there is no possible prejudice.
3. The Council adopted the Housing and Economic Development - Development Plan Document (2019) during the appeal. In the interests of fairness, the Council and the appellant were given the opportunity to comment on this matter.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the area, including on the setting of the Forest of Bowland Area of Outstanding Natural Beauty (AONB); and (ii) highway safety by way of the proposed access arrangements.

Reasons

Character and Appearance

5. The appeal site comprises a small field. It also contains a small loose stone area and a container near to the gated access off Whalley Road. A hedgerow encloses the site frontage and there are trees and vegetation alongside its other boundaries. The site is located at the top of rising land in both directions along Whalley Road and the ground levels also fall across the site from the road, roughly in a south westerly direction. It also contains a Public Right of Way (PROW) which traverses its west and southern boundaries.
6. The site is found in an undulating open countryside landscape which contains mainly agricultural land with isolated farmsteads, dwellings and modest sized settlements. The edge of the nearest village to the site, Hurst Green, lies approximately 300 metres away. Directly adjacent to the site in the direction of this settlement is a small area of woodland. Such woodland clumps are also a landscape feature of this area. The site and its environs display the typical characteristics of this Landscape Character Area, Undulating Lowland Farmland with Parkland. The AONB lies on the opposite side of the road to the site. It similarly displays an undulating agricultural landscape with areas of woodland and limited amounts of built development. The site lies in an appreciably attractive rural area.
7. The proposal would involve a layout of 8 holiday lodges and associated infrastructure, including the internal access arrangements, car parking areas and an access with a splayed stone boundary wall. When in use, it would also involve parked vehicles on the site associated with the occupants and with the potential for associated holiday paraphernalia. It would substantially alter the largely undeveloped rural character of the site so that it would be markedly out of keeping.
8. With its location, it would appear detached from Hurst Green, in particular as it would be separated by the woodland area bordering the site and further open land. Where there are buildings that are most apparent from the site, these mainly relate to farm holdings and so, unlike the proposal, would be typically expected in this landscape. In these surroundings, the proposal would be of some scale and constitute a significant encroachment into the open countryside. It would be in stark contrast to the associated landscape character.
9. With the site's close proximity to the AONB, it shares many of its attributes and is noticeably part of its setting. As a consequence, I do not agree that by virtue of the site lying just beyond the boundary that it limits its intrinsic value in this regard or that the proposal would not unduly impact on its natural beauty because it lies outside of this nationally protected designation. When observed from Whalley Road, the site does not have appreciably less of a landscape value than the AONB. Accordingly, the proposal would also harm its setting, and so it would not conserve and enhance its natural beauty. In this context, the proposal would fundamentally alter the AONB character in the vicinity of the site, even if the broader effects across the designation would be more limited.
10. In respect of the visual impacts, the proposal would be experienced by users of the road including the associated footway, as well as the PROW. Whilst this

may be only for a short duration and the topography may limit wider effects, it would be prominent and visually intrusive during the period of time that it would be experienced in comparison to its more undeveloped rural location.

11. The design of the lodges in attempting to utilise the landform and grassed roofs would be somewhat unusual and this, in itself, would be likely to draw attention to that they would be untypical. Further tree planting and landscaping would not address that the incursion of the built aspects of the proposal onto the site would be out of character and so they would be unlikely to be effective in blending the proposal into its surroundings. In respect of other examples of holiday accommodation in the AONB and the countryside, these do not alter my views because the effect on character and appearance is dependent on the particular site circumstances and the development.
12. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area, including on the setting of the AONB. As such, it would not comply with Key Statement EN2, and with Policies DMG1, DMG2 and DMB3 of the Ribble Valley Borough Council Core Strategy 2008-2028 (2014) where they are concerned with protecting and enhancing the landscape and character of those areas which contribute to the setting and character of the AONB, that development is to be of a high standard of design and that within the open countryside tourism development is to be in keeping with the landscape, amongst other considerations.
13. It would also not accord with the National Planning Policy Framework (Framework) where it states that great weight should be given to conserving landscape and scenic beauty in AONBs which, along with other protected designations, have the highest status of protection in relation to landscape and scenic beauty. It would also not accord with the Framework where it concerns achieving well designed places.

Highway Safety

14. Visibility from where access would be taken off Whalley Road would be restricted, especially to the west of the site towards Hurst Green. This is due to a bend and a dip in the road before it rises up to the site access. The HA has stated that based on the traffic survey with the planning application, a visibility splay of 2.4 metres (m) x 120 m would be required. On the basis of the plans that were before the Council at the time of its decision, the splay to the west fell short by 40 m.
15. The amended plan that was submitted with the appeal sought to improve the visibility to the west to meet the required standard. In order for this to be achieved would involve land outside of the site boundary. The HA pointed out that the appellant has no apparent control over this land and, as I observed on my site visit, it contains vegetation that obscures visibility
16. The Highway Statement submitted with the Final Comments includes updated traffic survey data, and a review of the existing site line access, forward safe stopping and accidents. The traffic survey data indicates that the speed of vehicles along Whalley Road is slightly less than the survey submitted with the planning application. Whilst this would result in a reduced length of the required sightlines from the access, the Highway Statement acknowledges this would still not achieve the visibility splay to the west under the standards that the HA applied but would do so if Manual for Streets standards are used.

17. Deciding what standards are appropriate depends on the particular site circumstances. In this case, especially with the road characteristics to the left of the access, great caution has to be applied in deviating from the standards that the HA has utilised. The HA has already accepted that the required visibility splay can be based on substantially less than the speed limit of the road and I consider that to apply further reductions in visibility splay requirements would have the potential to raise significant safety concerns as it would result in insufficient visibility with traffic on the road approaching from a westerly direction. As a consequence, the proposed means of access would not be considered to be safe for the vehicles that would use it.
18. I have considered the traffic generation figures that have been presented but they does not sufficiently allay my concerns with the potential for highway safety related incidents. As regards the lack of recorded accidents along the road, this would not account for the potential safety issues arising at the access from the vehicle movements associated with the proposal itself. In relation to the potential for mitigation concerning signage or preventing overtaking along this stretch of Whalley Road, there is not the information before me which provides satisfactory assurance that such measures would be likely to be implemented, even if I was minded to allow the appeal. In coming to my views, I have had regard to the totality of the highway evidence before me.
19. I conclude that the proposal would have an unacceptable effect on highway safety by way of the proposed access arrangements. Therefore, it would not comply with Policy DMG1 of the CS where it concerns ensuring that safe access can be provided to accommodate the scale and type of traffic likely to be generated, amongst other considerations, and with Key Statement DMI2 as far as this concerns highway safety matters.
20. It would also not comply with the Framework where it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning Balance

21. There is no dispute between the appellant and the Council that the proposal would not be in conflict with Policy DMG2 in so far as that, in principle, it would provide for small scale tourism and recreational development in a rural area, and with Policy DMB3 as far as that it would be reasonably well located to a settlement/village. Such policies are not, though, unqualified and in relation to the character and appearance matters that I have set out, they do not lend support to the proposal.
22. The proposal would bring economic and employment benefits, as are detailed in the appellant's Business Plan and there is no dispute that the Council views tourism as a primary strand of its economic development. The Framework also supports the rural economy. In the case of tourism and leisure developments this is, however, subject to respecting the character of the countryside. The proposed lodges are also intended to be energy efficient. In also having regard to the size of the scheme, these benefits would be on a moderate scale.
23. Concerning a lack of undue effects on the living conditions of the occupiers of the nearest neighbouring properties, trees, ecological interests and utilities,

these are neutral matters. The same applies as regards an absence of an effect on the nearest designated heritage asset, the Cross Gills Farmhouse.

24. I have also been referred to the Framework's economic, social and environmental objectives. These are not, though, criteria against which every decision can or should be judged, as the Framework makes clear. I have referred to the relevant factors which they contain within my decision.
25. In relation to the adverse impacts, the harm that would be caused to the character and appearance of the area, and highway safety, attracts significant weight in my decision. Accordingly, so does the conflict with the planning policies and the Framework that I have set out. On an overall basis, the benefits that would arise would not outweigh the harm.

Conclusion

26. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal with regard to the character and appearance of the area, and highway safety. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Hence, the appeal should be dismissed.

Darren Hendley

INSPECTOR



Appeal Decisions

Site visit made on 29 October 2019

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/T2350/W/19/3225804

Sabden House, Wesley Street, Sabden, Clitheroe

- 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 James Parkinson against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/1076, dated 6 November 2018, was refused by notice dated 9 January 2019.
 - The development proposed is demolition of existing timber framed conservatory and erection of new timber framed conservatory.
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Appeal Ref: APP/T2350/Y/19/3225805

Sabden House, Wesley Street, Sabden, Clitheroe

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr James Parkinson against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/1006, dated 6 November 2018, was refused by notice dated 9 January 2019.
 - The works proposed are demolition of existing timber framed conservatory and erection of new timber framed conservatory.
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Decisions

1. The appeals are dismissed.

Reasons

2. Sabden House is a former parsonage to the nearby Church of St Nicholas. The detached dwelling and the Church are Grade II listed buildings and are situated in the Sabden Conservation Area (SCA).

3. The main issues are the effect of the proposed conservatory on: first, the character and architectural and historic interest of Sabden House; and second, the setting of the listed buildings and the appearance of the SCA.

The first issue – the architectural and historic interest of Sabden House

4. Sabden House was built in 1847 but was extended and altered in the late 20th century. The original two storey villa is in regular coursed sandstone with ashlar dressings under a hipped slate roof. The three bay west frontage has, at its centre, a single storey flat roofed porch with shallow arcading to the eaves and pilastered corners. In the west elevation of the porch is a single-light circular arched-head window and either side of the porch, at both floor levels, is a pair of

tall two-light mullioned circular arched-head windows in stone surrounds. Extending to the north is a raised two-storey 20th century addition to the original rectangular villa. The existing conservatory, which is mentioned in the listing description, is attached to the north elevation of the original villa and to the west elevation of the addition. It has a pitched glazed gable roof.

5. The proposed conservatory would be in the same position as the existing conservatory. It would be slightly wider but this is inconsequential. It would have a flat roof with a glazed hipped lantern light. The glazed elevations above a low stone plinth would be rectangular glazed panels. The slightly extended parapet entablature would have shallow arcading to reflect the detailing of the porch to the main part of the dwelling. The west elevation of the conservatory would be set back from the corner of the dwelling by about one metre.

6. A significant feature of the listed building is the low ratio of window to wall. This is clearly apparent in the west elevation of the building where small windows sit within large areas of coursed sandstone. These windows, furthermore, have distinctive vertical proportions and round arched lights. Overall, the dwelling has a plain and restrained character. The design of the conservatory does, to some degree, reflect the design and detailing of the listed building. But the result is an addition to the dwelling that would have a 'heavy', bordering on dominant, character. This is mostly due to the incorporation of large rectangular glazed panels and doors beneath an entablature about 0.6 metres high. These elements of the design do not reflect features of the listed building. The proposed conservatory is over designed and would detract from the character, architectural and historic interest, and significance, of the listed building. The proposed development thus conflicts with Ribble Valley Core Strategy policy DME4.

7. The proposed conservatory would replace a conservatory that is harmful to the architectural and historic interest of the listed building, for different reasons. But the existing conservatory does have the virtue of being 'light' in character and its design is suitably restrained. The harm to the significance of the listed building would be less than substantial but, with regard to paragraph 196 of the National Planning Policy Framework, there are no public benefits that outweigh the harm.

The second issue - the setting of the listed buildings and the appearance of the SCA

8. The proposed conservatory, given its position to the north of the porch to the dwelling, would not be visible from the churchyard of the Church of St Nicholas or from the majority of the SCA. Given also that the conservatory would replace the existing conservatory, the proposed development would not adversely affect the setting of the listed buildings, the appearance of the SCA, or the significance of these heritage assets. The proposed conservatory would not, in this regard, conflict with Ribble Valley Core Strategy policy DME4.

Conclusion

9. The proposed conservatory would harm the character and architectural and historic interest of Sabden House and, for this reason and despite the lack of harm to the setting of the listed buildings and the appearance of the SCA, planning permission and listed building consent must be withheld.

John Braithwaite

Inspector