



Appeal Decision

Site visit made on 3 December 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2020

Appeal Ref: APP/T2350/W/19/3237011

**Health Rack Ltd, Dutton Manor Mill, Clitheroe Road, Dutton, Preston
PR3 2YT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr & Mrs Bailey against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2091/0390, dated 18/04/19, was refused by notice dated 17 June 2019.
 - The development proposed is described as 'change of use from offices to dwellings (4no. bungalows and 2no. houses)'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal falls within the provisions for permitted development under Schedule 2, Part 3, Class O of the GPDO.

Reasons

3. The appeal site comprises a main building, with a shop outbuilding and storage container. A carpark and loading area are to the front and side. The site is located within the countryside, in the Forest of Bowland Area of Outstanding Natural Beauty.
4. Schedule 2, Part 3, Class O of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a)(offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule. This is subject to the following, under Class O: criteria under paragraph O.1 whereby such development is not permitted; and conditions under paragraph O.2, regarding circumstances for applying to the local planning authority for determination as to whether prior approval of the authority will be required.
5. Paragraph O.1(b) confirms that development is not permitted by Class O if the building was not used for a use within Class B1(a) (offices) of the Schedule to the Use Classes Order either (i) on 29 May 2013 or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use.

6. Planning permission was granted for conversion of a storage building on the site into a shop, as ancillary use to the main Health Rack offices and warehouse building, in 1999, and for extension of office and warehouse space in 2002¹. As such, it is not disputed that offices have formed part of the development for some time.
7. I note the appellants' stated intention, in a letter with the 1998 planning application, to use the majority of the building for office space. The appellant considers that office use is, and has been, 'dominant' in the building, under their operation.
8. Nevertheless, I saw during my site visit that the space used for storage and warehousing occupies between approximately a quarter and a third of the main building's floorspace. Warehousing sits noticeably within the tallest part of the building, and the closest part of the building to the main access, and leads onto the external loading area. The above factors, together, give the warehouse and storage space and function particular prominence and presence within the building and the site. By comparison, the five office rooms in the main building occupy around a fifth of the latter's footprint. The balance of the building is made up of counting and mail order rooms - which fit in with storage and distribution use - management area, boardroom, lobby, staff welfare facilities, corridor space and reception. The shop outbuilding provides additional non-office space.
9. Given the characteristics of the building and site, as described above, the property 'reads' on the ground as a business premises with distribution function and warehousing prominent within it. Whilst offices are an important element of the mix of types of room and space within the building, as part of the appellants' business headquarters, they do not appear to be dominant. Nor is there substantive evidence before me that offices were significantly more dominant on the site previously.
10. Moreover, it is not disputed that the last formal approval of change of use on the site was in 1998, through planning permission² for change of use from general industrial to wholesale/warehouse Class B8 use. There is no Lawful Development Certificate for B1(a) office use on the site before me.
11. Taking the above together, I conclude that it has not been established that the building was in use as Class B1(a) offices on 29 May 2013, nor on the day it was last in use before that date. Therefore, the proposal would not fall within the provisions for permitted development under Schedule 2, Part 3, Class O of the GPDO.
12. Given my finding above that the proposal is not permitted development, it is not necessary to consider whether prior approval should be given for the proposal.

Conclusion

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

William Cooper INSPECTOR

¹ Application Refs: 3/1999/0229 and 3/2002/0103.

² Application Ref: 3/1998/0635.



Appeal Decision

Hearing Held on 10 December 2019

Site visit made on 10 December 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

Appeal Ref: APP/T2350/W/19/3235162

The Stables, Chaigley Road, Longridge, Preston PR3 3TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Billington against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0507, dated 1 June 2018, was refused by notice dated 14 March 2019.
 - The development proposed is described as "outline application for up to 10no. self-build dwellings with all matters reserved save for access".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with details of access only, all other matters are reserved for future consideration. Submitted plans show the layout of the site and the dwellings, I have treated these as indicative only.
3. Since the application was determined the Council have adopted the Housing and Economic Development – Development Plan Document (the DPD). I understand that the DPD is subject to a legal challenge, nonetheless the DPD remains an adopted document at this time.
4. At the hearing a number of documents were submitted as late evidence, including a Statement of Common Ground, signed by both parties. I have therefore had reference to these documents.

Main Issues

5. The main issues are:
 - a) Whether the development would accord with development plan policies relating to the location of development; and,
 - b) the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal proposal seeks outline planning permission for a self-build residential development consisting of up to 10 plots with details of access included.
7. The appeal site consists of an equestrian operation including stables, sand-based arena and grassed paddocks. The site is situated at a lower level to Higher Road and Chaigley Road, adjacent to a public park and play area on the edge of the settlement of Longridge. Opposite the appeal site, also accessed from Higher Road is a caravan park that is largely screened from view.

The Development Plan

8. The appeal site is outside of the defined settlement boundaries, which in this location largely follow the rear boundaries of residential properties to Chaigley Road, creating a well-defined boundary. The settlement boundaries are that shown on the Proposals Map published with the now replaced Districtwide Local Plan, as amended by the DPD.
9. Key Statement DS1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley (the CS), states that development will need to meet proven local needs, deliver regeneration benefits or satisfy neighbourhood planning legislation. Policy DMG2 of the CS relates to development outside of the defined settlement areas and requires that development must meet at least one of the listed considerations, including "that the development is for local needs housing which meets an identified need and is secured as such".
10. The parties' dispute focusses on whether the development would be local needs housing. The Glossary in the Local Plan defines this as housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment (SHMA).
11. I have no substantive evidence before me to demonstrate that the housing waiting list, housing needs survey for the parish or the SHMA identifies a local need for self-build dwellings. I therefore find that the appeal proposal does not accord with the definition of local needs housing detailed in the CS.
12. The appellant states that the proposed development would deliver regeneration benefits. However, I have no substantive evidence regarding any benefits that the proposed development would deliver beyond the provision of housing, specifically self-built, and landscaping, the latter appears to be in mitigation rather than simple enhancement of the current state. Furthermore, I noted at the site visit that the site was occupied and not in a use or condition such that its redevelopment would be advantageous.
13. It has not been suggested that the appeal proposal would satisfy neighbourhood planning legislation and on the basis of the evidence before me I agree.
14. I therefore find that, for the purposes of Key Statement DS1, it has not been demonstrated that the appeal proposal would deliver regeneration benefits. I shall consider the merits of self-build dwellings later in my decision.

15. With regards the compliance of the proposed development with the Development Plan, the proposal would introduce build development into the open countryside outside of the defined settlement boundaries and is therefore contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the CS which set out the Council's approach to the location of development.

Character and Appearance

16. The appeal site is situated on the edge of the existing settlement, is ringed with mature trees and with limited visibility to a wider area. The site is generally open in character and appearance, albeit there is some notable built form on the site, specifically with regards the stables and other equestrian paraphernalia.
17. I note that the Zone of Theoretical Visibility (ZTV) identified by the 'Landscape and Visual Appraisal Addendum (May 2019) (LVIA) is shown as being limited in size and as including land and properties that lie within the existing settlement. However, it does not follow that as a result there would be a visual relationship or link between the settlement and the developed appeal site. Furthermore, while the visibility of the proposed development is shown in the LVIA Addendum to be limited, in part as a result of proposed screen planting, the development would nonetheless be visible from a number of viewpoints including the adjacent Higher Road.
18. The submitted plans, while indicative only show that the appeal scheme would result in the site being comprehensively developed, with the exception of the northern most section of the site, resulting in a form of development that is a significant encroachment into the countryside. The proposed houses, while often viewed in the context of the nearby built form of Longridge, would nonetheless be seen as a development that was separated from the established built form of the settlement.
19. I saw at the site visit that the appeal site is clearly visible from Higher Road when approaching and leaving Longridge, indeed Table 2 of the LVIA identifies that for travellers using Higher Road the assessment of residual effects, even after 15 years is "High/med (magnitude), Moderate (significance) and Adverse (effect)". While I acknowledge that the predicted visual effects of the appeal scheme are notably lower from other visual receptors, I nonetheless find that the proposed development would harm the character and appearance of the area.
20. The harm I have identified to the character and appearance of the area is contrary to Policies DMG1 and DMG2 of the CS that seeks, amongst other matters, that new development is in keeping with the character of the area and designed to be sympathetic to existing land uses.

Other Matters

21. It is the appellant's position that the Local Plan is silent in terms of the provision of self-build housing. The term 'silent' is not defined, but the Local Plan is not silent on the Council's approach for development proposals for housing in the Borough, particularly in relation to their location. Hence, the Local Plan contains a body of policy relevant to the proposal at hand to enable a judgement to be reached as to whether or not the appeal scheme accords with the development plan.

22. The appellant states that because the Strategic Housing Market Assessment does not refer to the Council's 'self-build and custom housebuilding register' and as a result of its age, it is consequently out of date and thus paragraph 11d)ii of the National Planning policy Framework should be engaged.
23. However, while the SHMA is now of a considerable age it is not a policy but rather part of the evidence base for a future review of the plan and the SHMA does not set housing targets but provides an assessment of the need for housing across the functional Housing Market Area (HMA), making no judgements regarding future policy decisions which the Council may take.
24. I therefore find that the local plan is not rendered out of date by age of SHMA and therefore paragraph 11d)ii of the National Planning policy Framework is not engaged.
25. Furthermore, irrespective of whether or not demand for self-build plots would be included in a future revision of the SHMA, for the purposes of Key Statement DS1 of the CS, self-build plots are not included in the SHMA before me at the time that this appeal is determined.
26. The appellant has referred to the Self-build and Custom Housebuilding Act 2015 (as amended) (the Act). Amongst other matters, the purpose of the Act is to allow individuals wishing to build their own home to register their interest in acquiring a suitable plot of land within the relevant authority.
27. Specifically, the Act makes provision for Local Authorities to maintain a register of people who are seeking to acquire a serviced plot in their area in order that they may build houses for them to occupy as homes; and for Local Authorities to have regard to the demand for custom build housing as evidence by the registers when exercising certain functions, including those relating to planning. The Act does not however provide for the approval of self-build plots irrespective of or as an exception to the provisions of the development plan.
28. With regards the Self-build register, while the exact number of people on the register is subject of dispute between the parties and a number of different figures were presented at hearing, irrespective of the exact number of interested parties on the register there is clearly a desire for self-build plots.
29. It is not at dispute between the parties that the Council has not granted any planning permissions specifically for self-build homes, though I note that other housing consents granted by the Council could come forwards including some self-built plots. Therefore, the provision of self-build plots by the appeal scheme is a material consideration that weighs in favour of the scheme but does not outweigh the harm I have previously identified.
30. Furthermore, the development of 10 new houses with a corresponding contribution to supporting businesses in the local area is a material consideration that weighs in favour of the appeal scheme. It does not however outweigh the harm that I have identified previously.
31. In arriving at this judgement, I have taken into account the two appeal decisions¹ that the appellant has referred to. However, I do not have full details of these schemes and so cannot be certain that the circumstances are the

¹ APP/T2350/W/18/3210850 - 10 December 2018 'Wiswell' and APP/G2435/W18/3214451 & APP/G2435/W/18/3214498 - 25 June 2019

same for this appeal. In any event I have considered the appeal proposal on its own merits.

Planning obligation

32. A completed planning obligation (i.e. unilateral undertaking dated 10 December 2019) has been submitted as late evidence at the hearing. The Council has confirmed that it raises no objection to the 10 December 2019 planning obligation in terms of its content or drafting.
33. The planning obligation would mean that any developer would be bound by the covenants and requirements of the completed planning obligation dated 10 December 2019. The planning obligation would include the provision of the dwellings for self-build plots and a requirement to pay towards secondary school places. I am satisfied that the legal agreement would be necessary to make the development acceptable and that it meets all of the planning obligation tests as laid out in paragraph 56 of the Framework and Regulation 122 of the CIL Regulations.

Conclusion

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

Mark Brooker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Anthony Gill	Kings Chambers
Daniel Hughes	PWA Planning
Stephen Laws	PDP Associates
Josh Hellowell	PWA Planning

FOR THE LOCAL PLANNING AUTHORITY:

Rachael Scott	Ribble Valley Borough Council
Stephen Kilmartin	
Colin Hirst	

DOCUMENTS SUBMITTED AT THE HEARING

1. Revised redline Plan.
2. Statement of Common Ground.
3. Planning Obligation



Appeal Decision

Site visit made on 7 January 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/T2350/W/19/3239000

Three Millstones Inn, Waddington Road, West Bradford BB7 4SX

- 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 Matthew Frost against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0554, dated 14 June 2019, was refused by notice dated 27 September 2019.
 - The development proposed is new single storey building at the rear of the public house to create an additional guest bedroom.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading differs from that on the application form. However, it was changed by the Council in agreement with the appellant, and has been used by the appellant on the appeal form. Therefore, and as I am satisfied that it accurately describes the proposed development, and the application was publicised on that basis, I have adopted the amended description.
3. At the time of my visit, timber fencing had been installed along the sides of the walkway at the rear of the existing building. The submitted drawings indicate some fencing alongside the patio area to the rear of the proposed building. However, that fencing which I observed on site did not appear consistent with the fencing indicated on those submitted drawings, including with regard to its height or extent. For the avoidance of doubt, and notwithstanding any works carried out on site to date, I have considered the appeal, including any fencing, on the basis of the proposal as shown on the submitted drawings.

Main Issues

4. The main issues are the effect of the proposed development on
 - the setting of the Grade II listed Three Millstones Inn; and
 - the safety and convenience of highway users in the vicinity of the site.

Reasons

Setting of the listed building

5. The appeal site is located to the rear of the Three Millstones Inn, a Grade II listed public house with whitewashed rubble stone walls and a stone slate roof, located in the village of West Bradford. Its front elevation has a relatively formal appearance, with regularly-aligned doors and windows clearly defined within quite thick stone surrounds and in some cases, stone mullions. That front elevation sits adjacent to the road frontage, and forms a prominent component of the Waddington Road street scene.
6. The rear of the building is somewhat simpler in appearance, with more limited fenestration and smaller windows, and has been subject to extensions of various extensions over the years. Whilst less prominent from the road frontage, the rear elevation and parts of those existing extensions are nonetheless visible from the car park and rear parts of the site, and in public views from more distant vantage points further along Waddington Road and from parts of the public right of way which runs to the east and south of the site, and those more informal areas to the rear of the building also contribute to its significance.
7. Whilst varying in their height and depth, most of the building's existing side and rear extensions have mono-pitched or dual-pitched roofs similar in gradient to that of the original building, and are sensitive to it in their form and detailing, with simple elevations and fenestration, and in the use of stone in their construction, painted in parts to match the original building. They are also set down from the original building's roofline, with eaves below or level with those of the main building. Consequently, those sympathetic pitched roof side and rear extensions do not compete visually with the original public house building, but sit comfortably as subservient features, consistent with the simple appearance of the secondary areas to the rear of the building, and preserve its character and significance.
8. In contrast, as a result of its very shallow mono-pitched roof, which would slope upwards away from the rear of the original public house building for some significant depth, the proposed building would appear as a discordant feature, which would not reflect the appearance or the roof form or gradient of the listed building, or those sympathetically designed existing extensions, which either have gable-ends, or mono-pitched roofs sloping downwards away from the building. Furthermore, whilst lower than the listed building's roof ridge, the proposed building's eaves at their highest point would be higher than those of the adjacent part of the original building. As a result, it would not maintain a sense of subservience to the main listed building, and would appear as an unduly dominant feature which would detract from its setting.
9. Whilst the elevations of the recently-constructed, detached accommodation building in the rear part of the site include some large areas of glazing and sections of timber and metal cladding, those elevations are predominantly finished in stone which is similar in appearance to that used in the adjacent extensions at the rear of the listed building, and in the neighbouring building at Barnsteads Barn. Therefore, whilst those elements of glazing and other materials distinguish that more modern building from those older buildings

- around it, it nonetheless also maintains a sense of consistency and continuity with the extended listed building, and sits comfortably within its setting.
10. In contrast, the elevations of the proposed building would be entirely timber clad, and its rear elevation would be fully glazed. It would also be located very close to the rear of the listed building. It would therefore be closely surrounded by, and viewed in the immediate context of, the whitewashed public house, its stone and whitewashed rear extensions, and the adjacent stone boundary wall. In that context, the exclusive use of timber along the building's expansive side elevation, on its own and together with the further expanse of timber fencing proposed beyond it and around its patio area, and the use of full height glazing to its rear elevation, would appear discordant, and would fail to maintain a sense of connection or continuity between the proposed building and the extended listed building. The use of the materials as proposed would therefore further contribute to the harm arising to the setting of the listed building.
 11. The public house has a large, flat-roofed infill extension to the rear, which is not generally sympathetic to the original building in its form or detailing. However, the visibility of that single storey, ground floor projection in the context of the taller, more sympathetic extensions around it is very limited. In contrast, the proposed building would occupy a prominent position on an elevated area to the rear of the public house, and would extend some distance further to the rear than the building's existing two storey rear extension. Consequently, from those vantage points I have identified above, much of the building's discordant, long shallow roof form and expansive timber-clad side elevation, and parts of the timber fence extending beyond it, would be evident beyond the rear of that existing extension, and above the longer single storey pitched-roof rear extension closer to the car park. In any event, the presence of that flat-roofed extension, and of other smaller infill extensions and outbuildings to the rear of the public house, does not outweigh or justify the further harm that would arise as a result of the proposed building.
 12. I am advised that records indicate that historic tenants of the listed building were also involved with farming. The building thus appears to have an historic functional connection with the fields to the rear. However, whilst the rear of the building has been subject to various extensions over the years, parts of its roof and original rear elevation remain visible above and around those extensions, including ground and first floor windows in the eastern part of its rear elevation, from which views remain possible towards those fields to the rear. In that context, I do not find that the location of the proposed building would result in the severing of the last remaining connection between the rear of the listed building and its wider historic context, or cause harm to its significance in that regard.
 13. However, for the reasons given, I consider that the proposed building would appear as an unduly dominant and discordant feature, which would not be sympathetic to the character or appearance of the listed building, and would cause harm to its setting as a result.
 14. As a result of the small scale of the development, the harm arising in this case would be less than substantial. Nevertheless, I must have regard to the significance of the listed building, and the Framework requires any such harm to be weighed against the public benefits of the proposal.

15. The development would provide an additional unit of overnight accommodation, which would contribute to the income and operation of the public house. However, the contribution made by the single unit proposed, and thus the public benefits in that regard, would be limited, and would not outweigh the harm I have identified to the character, appearance and setting of the listed building, to which I attach considerable weight.
16. Therefore, for the reasons given, I conclude that the proposed development would cause harm to the setting of the Grade II Three Millstones Inn. The proposal would therefore conflict with Policies DME4 and DMG1 of the Ribble Valley Borough Council Core Strategy 2008-2028: A Local Plan for Ribble Valley (the Core Strategy). Amongst other things, those policies require development to be of a high standard of building design, sympathetic to existing land uses in terms of its scale, style and building features, and state that development proposals within the setting of listed buildings which cause harm to the significance of the heritage asset will not be supported.

Safety and convenience of highway users

17. The Council has expressed concerns that there is already a shortfall in parking provision within the site. However, the parking area available within the site appears to be the same as that which existed when the Council recently granted planning permission for 5 guest bedrooms within the existing public house building, in addition to the recently-built accommodation building in the rear part of the site.
18. I observed that on-street parking availability within the village appears to be quite limited. However, I have not been presented with substantive evidence to demonstrate that on-street parking arising from the appeal property has adversely affected the local highway network as a result of that permitted accommodation. The proposed building would not reduce the area available within the site for parking. Nor am I convinced that the single additional unit now proposed would have significant further implications with regard to the likelihood of overspill parking taking place on surrounding streets, compared with the accommodation already permitted on the site.
19. The Council's concerns regarding the width of the access from the site onto Waddington Road appear to have been raised at the time the detached accommodation building in the rear of the site was permitted and, I am advised, there was a condition on that permission requiring the access to be narrowed. It therefore appears that the Council could pursue enforcement action to address those concerns raised in the event that condition has not been complied with. In any event, since the evidence before me does not suggest that circumstances have changed materially in the intervening period, and as the single unit of accommodation now proposed would not materially increase the number of vehicle movements into or out of that access, I consider that the matter could be satisfactorily addressed by means of a similar condition were I to grant permission in this case.
20. Therefore, for the reasons given, and on the basis of the evidence before me, I conclude that the proposed development would not have an adverse effect on the safety or convenience of highway users in the vicinity of the site. The proposal would therefore not conflict with Policy DMG1 of the Core Strategy which, amongst other things, requires development to ensure safe access can

be provided which is suitable to accommodate the scale of traffic likely to be generated and to consider potential car parking implications.

Planning Balance and Conclusion

21. I conclude that the development would not have adverse implications for the safety or convenience of highway users. However, the absence of harm in that regard does not outweigh the harm to the setting of the listed building which I have identified, to which I attach considerable weight, and which would not be outweighed by the public benefits of the scheme.
22. Therefore, for the reasons given and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann

INSPECTOR