
Appeal Decision

Site visit made on 2 November 2015

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 6 November 2015

Appeal Ref: APP/T2350/D/15/3133444

The Holly, Wardsley Road, Chipping, Lancashire PR3 2QT

- 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 Potter against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0318, dated 2 April 2015, was refused by notice dated 17 August 2015.
 - The development proposed is a roof extension above garages to form live-in carer space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the character and appearance of the Forest of Bowland Area of Outstanding Natural Beauty.

Reasons

3. The appeal site lies in open countryside within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The *National Planning Policy Framework* (the Framework) states that in such areas great weight should be given to conserving the landscape and natural beauty. Policy EN2 of the *Ribble Valley Core Strategy (adopted December 2014)* (RBCS) seeks to protect, conserve and enhance the landscape and character of the AONB. It indicates that development will be required to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.
4. The appeal site consists of a converted barn and a detached triple garage set in extensive grounds. Both the house and the garage are located close to the adjacent road and are clearly visible from it. The northern elevation of the buildings, and particularly the roofs can be seen intermittently when approaching on the road from Chipping, through gaps within the roadside hedge.
5. The surrounding undulating countryside is sparsely settled, with scattered farmsteads and isolated houses. I observed that whilst many of the farms and houses had outbuildings, these buildings were clearly subordinate to the

- dwellings, either by way of their scale or their function. This is the case with the current garage on the appeal site.
6. The proposal would significantly increase the scale and the mass of the garage. In addition, the development would involve the insertion of windows on both roof planes and the gable elevations. As a result, the garage building would no longer appear as a subservient building to the main dwelling in either its scale or its appearance, but would compete with it and detract from its setting. It would therefore appear out of keeping and would be detrimental to the character and appearance of the area.
 7. In particular, as dormer windows are not a feature on buildings in the locality, the three proposed on the northern roof plane would be incongruous and alien features that would not respect the distinctive character of the area. I appreciate that these would be on the roof plane that faces into the site but as noted above this can be seen in places from the public realm, and the proposed increase in height would increase this visibility. In such views they would heighten the prominence of the outbuilding, and appear as a discordant element in the landscape.
 8. Consequently, I consider that the proposal would be harmful to the character and appearance of the area and would not accord with the aims of conserving the natural beauty of the AONB. As a result, I conclude that the proposed development would unacceptably harm the character and appearance of the AONB and would be contrary to Policy EN2 of the RVCS. It would also conflict with Policy DMG1 of the RVCS which, amongst other things, requires new development to have a high standard of design that respect the appearance and character of the surrounding area.
 9. The appellant has provided medical evidence to show the need for accommodation for a live-in carer for his wife. I appreciate the reasons put forward for the proposal which would enable his wife to receive the care she needs whilst remaining in the family home and maintaining her quality of life. However, I am not persuaded that the proposal represents the only way the garage building could be converted to provide the necessary accommodation for a carer. In any event personal circumstances seldom outweigh more general planning considerations, and it is likely that the proposal would remain long after the current personal circumstances cease to be material.
 10. I note that in the past permission was granted for a helicopter building and swimming pool on the site but these were not implemented. The appellant has highlighted that these would have been far more substantial than the current proposal. However, I do not have the full details of the circumstances that led to these proposals being considered acceptable, and in particular the policy framework that applied at the time. In any case I have determined the appeal on its own merits.
 11. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

Appeal Decision

Site visit made on 4 November 2015

by B.Hellier BA(Hons) MRTPI

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

Decision date: 10 November 2015

Appeal Ref: APP/T2350/W/15/3129411

Skirden Hall Farm, Tosside, Skipton, North Yorkshire, BD23 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 James Waddington against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2014/0961, dated 6 October 2014, was refused by notice dated 16 January 2015.
 - The development proposed is a new bungalow with garage to provide suitable accommodation for a disabled child.
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Decision

1. The appeal is allowed and planning permission is granted for a new bungalow with garage to provide suitable accommodation for a disabled child at Skirden Hall Farm, Tosside, Skipton, North Yorkshire, BD23 4SX in accordance with the terms of the application, Ref 3/2014/0961, dated 6 October 2014, subject to the conditions set out in the accompanying Schedule.

Main issue

2. I consider the main issue is whether this would be a sustainable form of development having regard to the policy presumption against new housing in the open countryside and to the accommodation needs of the appellant and his family, particularly those of his son George.

Planning policy

3. The development plan includes the Core Strategy¹. Its development strategy envisages most new development taking place in the towns and larger villages and for development outside these settlements to be strictly limited. In the open countryside Policy DMH3 allows development in only a limited number of circumstances. One of these circumstances is for housing which meets an identified local need. The glossary to the Core Strategy explains that local housing need refers to need that is evidenced by a local housing needs survey, the housing waiting list or a strategic housing market assessment.
4. The Core Strategy reflects national policy set out in the National Planning Policy Framework (NPPF). This states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

¹ Core Strategy 2008-20228: A Local Plan for Ribble Valley. Adoption Version December 2014

5. There is an emerging Neighbourhood Plan¹. This has not yet been adopted and its approach to local housing need in the consultation draft has resulted in a number of interpretations coming forward. I give it little weight at this stage.

Reasons

6. Skirden Hall Farm lies at the end of a track some 200m from the road and a further 300m from the hamlet of Tosside where there is a pub and village institute. There is also a daily bus service to Long Preston and Settle. The appellant lives in the farmhouse. The adjoining barn has been converted to a dwelling and is in a different ownership. To the rear a detached barn has also been converted to a dwelling and is occupied by his brother. Nearby is a modern barn.
7. There is no dispute that, whilst some social facilities and a bus service are within walking distance, for policy purposes the location is in open countryside where, as set out in Policy DMH3, new housing development would not normally be permitted.
8. The appellant has an 18 year old son George who has severe epilepsy and a learning disability. The new bungalow would provide purpose built, wheelchair accessible accommodation for him, including a wet room with a hoist. His consultant paediatrician supports the proposal and provides an up to date assessment of his needs. I think it helpful to use her words.
9. *George is inattentive and falls easily. He has periods of prolonged non-convulsive status which results in him having reduced consciousness and awareness for a period of days and during these periods he requires nursing care and is at risk of falling..... he requires assistance and prompting with personal care..... George continues to have daily seizures (often during the night) despite medication with 4 different drugs and a vagal nerve stimulator, therefore provision will be required in the long term and it is probable that his mobility and dependence will increase as he becomes older.*
10. The existing accommodation is limited. George sleeps upstairs with his parents above steep stairs. There is a small bathroom and two other small rooms and downstairs a kitchen/living room and a sitting room. There is an unquestioned need for significantly improved ground floor accommodation for George. The Council considers this could be provided by an extension to the existing farm house. The obvious location for an extension would be to the side of the house. However there is a step up here so that floor levels could not be aligned without substantial excavation. It would also mean that the stairs would continue to be a falling hazard and would be likely to separate George from his parents.
11. A new bungalow is the solution favoured by his consultant paediatrician and by his paediatric occupational therapist. In considering a disabled facilities grant the relevant Council housing and building control staff found that adapting the current property would be significantly complicated and costly and agreed that the grant could be put towards a bungalow. I too find that a new specially adapted bungalow built at the same level as the access track would be the most appropriate housing provision for George and his family. Personal health needs are not specifically mentioned in Policy DMH3 but it seems to me that

¹ Bolton-by-Bowland and Gisburn Forest Neighbourhood Plan

this is a real and properly evidenced local housing need supported by the Parish Council and those local residents who have responded to the proposal.

12. The Council rightly notes that it would not be appropriate to impose a personal occupancy condition on the new bungalow. When the appellant ceases occupation it would end up as open market housing in a location poorly related to services. However any planning decision must have regard to the development plan in the first instance and also then to other material considerations. The personal circumstances before me are a material consideration and one which will not be repeated on many occasions. Allowing this appeal would not set a general precedent for more dwellings in the open countryside.

Planning balance

13. The policy presumption against new housing in the open countryside and location of the appeal site away from a service centre must count against it. I give significant weight to the environmental and social harm associated with this. However in meeting a site specific personal need for a new dwelling I do not find any conflict with Policy DMH3 as set out above. No other harm has been put forward. In particular the new bungalow would be seen as part of the existing building group and there is agreement that as designed and located it would not cause significant harm to the character or appearance of the Forest of Bowland AONB.
14. On the other hand there is a pressing need for a bungalow in this particular location to satisfy the accommodation needs of the appellant and his family to which I give substantial weight. In sustainability terms the social benefits of meeting this need clearly outweigh the environmental and social harm and I therefore conclude that this would be a sustainable form of development.

Conditions

15. The Council has suggested conditions and I have also taken into account the tests for conditions in paragraph 206 of the NPPF. Standard conditions are needed on commencement, development in accordance with the approved plans and details of materials. I also agree that parking spaces should be provided before occupation of the bungalow and details of any subsequent boundary treatment reserved for subsequent approval.
16. The new bungalow will be constructed partly on an existing hard surfaced access/parking area and partly on the field to the north east. It is integral to the need case that it is constructed all on one level, that level being set by the existing hard surface. I consider the development should be informed by a site survey and supported by a layout incorporating existing retained features and identifying levels. I have imposed a further condition to this effect.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Bern Hellier

INSPECTOR

Schedule of Conditions overleaf

Schedule of Conditions (6)

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and drawings: No.1 (floor plan); No.2 (SE and NE elevations); No.3 (SW and NW elevations); No.5 (site layout at 1:100); and No.5 (location at 1:1250).
- 3) No development shall take place until precise specifications or samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the first occupation of the bungalow three parking spaces shall have been formed within the curtilage of the dwelling as shown on the approved 1:100 site layout. Thereafter, these spaces shall be kept permanently clear of any obstruction to their designated use.
- 5) The curtilage of the bungalow shall be restricted to the area outlined in red on the approved 1:1250 location plan. No boundary walls or fences shall be erected on the boundaries of the curtilage, or elsewhere within the curtilage, unless details of their location, height, materials of construction and external appearance/colour have first been submitted to and approved in writing by the local planning authority.
- 6) No development shall take place until a site survey has been carried out and a plan showing existing and proposed levels and the relationship of the bungalow to existing features has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal Decision

Site visit made on 22 September 2015

by Mrs A Fairclough MA BSc(Hons) LLB(Hons) PGDipLP(Bar) IHBC MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 November 2015

Appeal Ref: APP/T2350/W/15/3084331

The Green, Osbaldeston Lane, Osbaldeston, Lancashire BB2 7LY

- 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 Kevin and Mrs Shauna Crook against the decision of Ribbles Valley Borough Council.
 - The application Ref: 3/2015/0212 dated 4 March 2015, was refused by notice dated 30 April 2015.
 - The development is described as a "proposed new detached dwelling with detached car port".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the grounds of appeal, the appellants refer to the originating application as an outline application. However, the application form and the Design and Access Statement indicate that the intention of the applicant was an application for full planning permission. In addition, none of the submitted plans indicate that they are for illustrative purposes only. Therefore, I will determine the appeal on the basis that it is one for full planning permission.

Main Issues

3. The main issues in this case are:
 - (1) the effect of the proposed development on the character and appearance of the locality having particular regard to the objectives of national and local planning policies that seek to protect the countryside for the sake of its intrinsic character and beauty; and,
 - (2) whether the site is sustainably located for the proposed development having regard to the accessibility of services; and,
 - (3) the implications of the proposed development in respect of nature conservation and trees.

Reasons

Character and appearance

4. The appeal site is part of the overgrown rear garden of No 4 The Green, Osbaldeston Lane. It is located on the west side of Osbaldeston Lane some 925m north of the village of Osbaldeston. It is positioned to the north of a

- large storage building (associated with No 4 The Green) and to the south of dwelling known as Higher Field. The proposed development is a 5-bedroomed two-storey dwelling with a new vehicular access off Osbaldeston Lane. It would also include a large car port/storage structure.
5. The appeal dwelling would be positioned towards the northern part of the appeal site with the new access positioned centrally. The proposed dwelling would appear as a large traditionally styled house, which would be constructed in natural stone with a natural slate roof. As the overall design and use of materials would reflect the local vernacular style, I consider that the character and appearance of the dwelling would be acceptable.
 6. The proposed timber carport/storage structure would be situated to the south of the centrally positioned access drive and hardstanding. However, the footprint of the carport would be almost as large as that of the proposed dwelling with an overall ridge height reaching to just below its eaves height. Consequently, it would appear as a large open storage unit of industrial proportions rather than appear as an outbuilding in ancillary use to a dwelling. As such, it would create a large dominant and incongruous structure on the appeal site and would be totally at odds with the character and appearance of nearby structures and dwellings.
 7. I note the appellants' assertion that the proposed car port/workshop would act as a barrier between the proposed dwelling and the substantial grouping of commercial type buildings associated with No 4. However, I consider that the proposed structure would not screen the larger building beyond but would create an overbearing impact, which would be seen against the backdrop of the dominant structure at No 4 when viewed from the driveway, kitchen and bedrooms of the appeal dwelling. Thus, it would only emphasise its alien character within the rural domestic setting. Consequently, the proposed development would conflict with Policy DMG1 of the *Core Strategy 2008 – 2028 - A Local Plan for Ribble Valley Adopted Version (CS)*¹, which states, amongst other things, that developments should be sympathetic to proposed land uses in terms of size, intensity and nature as well as scale and massing. It would also be contrary to CS Policy DMG2, which requires that within the open countryside, development should be in keeping with the character of the landscape by virtue of its size, design and siting, amongst other matters.

Sustainability

8. The Government is committed to delivering a wide choice of high quality homes based on up-to-date objectively assessed needs for market and affordable housing as set out in development strategies and settlement hierarchies for each area. The *National Planning Policy Framework (The Framework)* states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to say that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing. The Council can demonstrate a 5.59-year supply of housing² and the relevant policies in the recently adopted CS for the supply of housing can be considered as up to date. The Framework also states that

¹ Dated December 2014

² Dated 31 March 2015 from the Monitoring Report as referred to in the Council's appeal statement p5 paragraph 6.15

there are three dimensions to sustainable development: economic, social and environmental³.

9. The appeal site lies outside the defined settlement boundary of Osbaldeston and as such lies within the open countryside. In CS Key Statement DS1, Osbaldeston is defined as a 'Tier 2' settlement. Of the 32 settlements listed, the Tier 2 villages are described as 'less sustainable', where development will need to meet proven local needs or deliver regeneration benefits. In seeking to underpin the settlement hierarchy for the purposes of delivering sustainable development, CS Policy DMG2 requires that development in Tier 2 villages must meet one of six criteria. This includes proposals essential to local economy or social well-being of the area, development needed for agriculture or forestry, local needs housing, small-scale tourism or recreation, small-scale uses appropriate to a rural area or uses compatible within an enterprise zone designation. In addition, CS Policy DMH3 requires that new housing in open countryside should be limited to meeting specific criteria, none of which applies. This approach underpins the development strategy and settlement hierarchy for the area, and is broadly consistent with the Framework. By not meeting any of these criteria, the proposal conflicts with Core Strategy Policies DMG2 and DMH3.
10. The appeal site is part of a residential curtilage with utilities such as power and water close by and as such forms part of a long established pattern of development on Osbaldeston Lane. Thus, the proposed development would not be physically isolated from other dwellings. However, the CS defines it as outside the nearby settlement and the Council state that there are no non-transport facilities near to the appeal site. Although there are some local amenities, including a public house and a shop at the fuel station plus a church and primary school, these are a distance from the appeal site, at around 1250m along a narrow lane. However, the appellants have not adequately demonstrated that the occupiers of the proposal would necessarily buy their essential goods locally and support the economy or/and contribute to the social cohesion of the locality and enhance or maintain the vitality of the rural area. I note that there is a local bus service to nearby towns. However, this service is limited to approximately an hourly service during the day and the bus stop/route. To my mind, the future occupiers of the proposed development would be dependant on the private car to access general services, amenities and entertainment. This would conflict with CS Policy DMG3, which seeks to ensure that there is adequate and available public transport options to serve new development.
11. The appellants state that the Council refers to the need for sufficient justification for development in such areas. However, although I note that there would be some economic benefits, in terms of local employment concerning the construction phase, these would be short lived. Moreover, the appellant has not demonstrated any social benefits of the scheme in term of providing a high quality built environment, with accessible local services that reflect the needs and support its health, social and cultural well-being.
12. Furthermore, the Framework states, amongst other things, that the environmental role relates to contributing to the protection and enhancement of the natural and built environment and minimise waste and pollution. I have

³ Paragraph 7 of the Framework

concluded on the first issue that the proposed carport structure would be dominant and incongruous and as such would not protect or enhance the local environment. Additionally, the likely reliance on the private car would increase pollution.

13. Therefore, overall I consider that the proposed development would not be economically, socially or environmentally sustainable as defined in the Framework. Allowing an appeal without any robust reasons to justify a departure from the CS policies would undermine the development strategy for the area, which seeks to focus new housing in the main settlements of Clitheroe, Longridge and Whalley. Additionally, such unsustainable development would be contrary to the Framework.

Nature Conservation and Trees

14. The appellants have submitted an ecological survey and assessment dated April 2014 plus an arboriculture report dated June 2014 and these reports relate to a previous scheme for the erection of a single dwelling on the appeal site. However, from the information provided, it appears that the position of the dwelling and the outbuilding plus the access point off Osbaldeston Lane in the ecology/arboriculture reports relate to a different scheme than the appeal before me. Therefore, the impact of that scheme, in terms of position of the dwelling/garaging plus access point, could be materially different to the impact of the scheme before me on biodiversity and trees.
15. In addition, the Design and Access Statement indicates that it is not proposed to remove any existing trees or hedgerows⁴. However, the position of the new vehicular access would require the removal of hedgerows and could threaten several moderate quality trees as defined in the arboriculture survey submitted by the appellants.
16. Therefore, the assessments do not relate to the appeal scheme and I have insufficient evidence before me to assess whether the proposed development would have a negative impact on biodiversity in the locality or if it would conserve and enhance it.
17. On this basis, it has not been demonstrated that the proposed development would comply with CS Key Statement EN4. Although this Key Statement refers to sites of recognised environmental or ecological importance, it also requires that wherever possible the biodiversity of the area should be conserved and enhanced. It goes on to say that negative impacts should be avoided. Moreover, it has not been demonstrated that it would comply with and CS Policies DME1 and DME2, which relate to the protection of trees and hedgerows.
18. The appellants refer to the submitted information including the plans, arboriculture survey and the ecology report and states that at no stage during the application process did the Council make contact with the appellants to seek clarification or further information. Although I am not able to comment specifically on the actions of the Council on this matter, CS Key Statement EN4 also states that it will be the developer's responsibility to identify and agree an acceptable scheme, accompanied by appropriate survey information, before an application is determined.

⁴ Paragraph 5.5.2

Other Matters

19. I note the appellants have referred to other planning applications in the locality in support of the scheme. However, I am not aware of the full details of these schemes but I am told that they were approved prior to the adoption of the Core Strategy. Consequently, these schemes were considered in a different policy context and as such, the circumstances were materially different to the appeal before me.
20. I note the Council is concerned regarding precedent. However, I am required to determine each appeal on its own merits in the light of current planning policy. I have done so in this case.
21. I agree with the Council, there are several discrepancies on the appeal drawings/plans for example certain elevation details do not correspond with the plans including window openings. I also note that there is ambiguity with regard to the site plan with an area within the site edged red as being described as 'retained' for vehicular parking and storage but that the only vehicular access to it would be via the proposed car port. In addition, concerns have been raised by the Council regarding the proposed scheme in terms of landscaping, including boundary treatment and hard standing and how both of these would mitigate or lessen the visual impact of the proposed dwelling on the open countryside. In addition, the Council is concerned regarding the suitability of the highway access on the basis no visibility splays have been provided. I note that the appellants would accept conditions in relation to access and landscaping. However, in the light of my conclusions on the main issues above, I do not need to take these elements any further.

Conclusions

22. For the reason given above, I conclude that the appeal should be dismissed.

Mrs A Fairclough

INSPECTOR



Costs Decision

Site visit made on 25 August 2015

by **Matthew Birkinshaw BA(Hons) Msc MRTPI**

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

Decision date: 19th November 2015

**Costs application in relation to Appeal Ref: APP/T2350/W/15/3128758
Little Dudlands Farm, Rimmington Lane, Rimmington, Clitheroe, BB7 4EA**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr John Lund for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the refusal of planning permission for the conversion of barns to two dwellings with garages, creation of garden areas, replacement garage for farmhouse and installation of package treatment plant.
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Decision

1. The application for an award of costs is allowed in part in the terms set out below.

Reasons

2. The National Planning Practice Guidance states that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. Examples of behaviour that may give rise to an award of costs against a local planning authority includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Other examples include the failure to produce evidence to substantiate each reason for refusal on appeal, and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
3. The application is made on the grounds that the Council erroneously applied *Ribble Valley Borough Council Core Strategy Policies* concerning dwellings in the countryside and barn conversions. The applicant asserts that if the Council had correctly applied the relevant policies it would have been possible to overcome the design concerns. It is also suggested that appeal decision APP/T2350/A/14/2225334, dated 26 January 2015, was not taken into account which established the correct policy position regarding barn conversions.
4. Core Strategy Policy DMH3 permits the conversion of buildings in the countryside where they are suitably located. In refusing permission the Council reasoned why the proposal conflicted with the development strategy for the area by reason of its location and distance to services. Policy DMG3 also requires considerable weight to be given to the need for development to be located in accessible areas. Despite finding in favour of the applicant, the Council's position was therefore substantiated in the Planning Officer's report.

5. However, appeal decision Ref APP/T2350/A/14/2225334, dated 26 January 2015, was issued during the determination of the proposal and is not referred to in the Council's assessment. This decision stated that whilst the dwellings would be some distance from services and facilities, "*...the barn building is not isolated in the landscape but rather, taken together with the existing farmhouse, forms part of an already group of buildings as required to be permitted by Core Strategy policy DMH4 which deals specifically with the conversion of barns to dwellings.*"
6. Furthermore, in concluding the Inspector reaffirmed that "*...notwithstanding that the conversion of the barns into two dwellings in this location would be acceptable in principle, it would not be justified by virtue of the effect of the proposed scheme of conversion/alterations on the existing building and its setting...*". The decision therefore clearly established that the principle of development was acceptable for the purposes of the Core Strategy, despite its rural location. There is nothing in the evidence before me to indicate that this material consideration was taken into account at either the planning application or appeal stages.
7. In their defence the Council maintains that it was mindful of the Inspector's decision, that there are insufficient parallels to be drawn between the two schemes and that each case must be considered on its merits. I also appreciate that a single appeal decision does not necessarily dictate how recently adopted Core Strategy policies should be applied. Nevertheless, no reference is made to the decision in the Council's written submissions. Given that the issues in both cases surrounded the principle of development it was necessary and appropriate for the Council to consider its findings in their assessment of the scheme at Little Dudlands Farm. Based on the information provided this was not carried out at any stage.
8. Linked to the principle of development is the Council's third reason for refusal. This states that the scheme would set a harmful precedent for the acceptance of other similar 'unjustified' proposals which would adversely affect the development strategy for the area. However, no further information has been provided at the appeal stage to substantiate this reason for refusal. Moreover, the Council accepts that each case must be considered on its own merits, a point also made by the Inspector at Sheepfold Farm in finding the principle of a barn conversion acceptable against the development strategy for the area.
9. Thus, in the absence of any evidence to suggest that the previous Inspector's decision was different, the Council has failed to take into account a material consideration of significant importance. It has also failed to produce sufficient evidence to substantiate each reason for refusal on appeal. Because the issues in reasons for refusal 1 and 3 related to the principle of barn conversions in rural areas, which was specifically addressed by the Sheepfold Farm case, I consider that the failure to take its findings into account amounts to the unreasonable behaviour cited by the National Planning Practice Guidance.
10. In seeking a full award of costs it has been suggested that the Council should have approached the applicant after a further appeal decision was issued concerning barn conversions (Ref APP/T2350/W/15/3006322, dated 18 June 2015). The applicant asserts that this would have enabled matters of design and appearance to be resolved. However, no convincing case has been made to indicate that an appropriate design could have been achieved. The Council

had also expressed their concerns at the pre-application stage. Whether or not a party should have re-opened dialogue after planning permission had been refused, this has not led to any wasted costs or expense in connection with the appeal scheme, which is the basis upon which I can consider the application.

11. I therefore conclude that by failing to adequately consider and clearly take into account a relevant material consideration regarding the principle of development, and failing to substantiate each reason for refusal on appeal, unreasonable behaviour resulting in unnecessary expense as described in the National Planning Practice Guidance has been demonstrated. However, this only relates to the principle of development and the location of the site, and not matters of design and appearance. Only a partial award of costs is therefore justified for the applicant having to address the Council's first and third reasons for refusal.

Costs Order

12. In exercise of the powers under Section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act as amended, and all other powers in that behalf, IT IS HEREBY ORDERED that Ribble Valley Borough Council shall pay to Mr John Lund the costs of the appeal proceedings in so far as they relate to the Council's first and third reasons for refusal, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.
13. The applicant is now invited to submit to Ribble Valley Borough Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Matthew Birkinshaw

INSPECTOR