

Appeal Decision

Site visit made on 2 February 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 07 March 2016

Appeal Ref: APP/T2350/W/15/3138540

Land between 52 and 54 Knowsley Road, Wilpshire, Lancashire BB1 9PN

- 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 Richard Jonathan Rumboll against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0211, dated 2 March 2015, was refused by notice dated 28 October 2015.
 - The development proposed is a new four bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of the occupiers of 52 Knowsley Road, with particular regard to outlook and loss of light.

Procedural matter

3. As part of the appeal submission the appellant has provided floor plans and elevations for the proposed new house which correct inconsistencies on the original drawings with regard to the floor plans matching the elevations and reducing the number of windows shown on the ground floor of the north elevation to tie in with the floor plans. I understand that these drawings have not been seen by the Council, however, I am satisfied that the amendments are minor and that the Council's position has not been prejudiced by this.

Reasons

Character and appearance

4. Knowsley Road is a quiet residential street with a diverse architectural character comprised of traditionally built detached, semi-detached and terraced houses in a wide range of designs, materials and ages. The house frontages are generally parallel to the road, except for some corner sites where the buildings are angled. The built form of the street changes along its length with groups of houses being set variously closer to, or further back from, the road
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creating a pleasing progression of spaces as the degree of enclosure of the street alters.

5. In the section of the street where the appeal site is located, the houses on the east side, adjacent to the appeal site, are set well back from the road and are roughly in line with each other, whilst those on the west side are set closer to the road with relatively short front garden areas. As a result the road becomes more visually open on the east side at this point before narrowing again to the north and south where the house frontages are closer to the road. The proposed dwelling on the appeal site would be set well forward of the line established by the frontages of the other houses on the east side of the street, with the front elevation at an angle to the road, and due to the building being two storey, would significantly interrupt the open feeling of the east side of the road. This would be compounded by the front elevation being set at an angle to the road, which is inconsistent with the majority of the other houses which have their frontages parallel to the road, and would emphasise the flat roofed, first floor, side addition to the proposed house which, whilst the inclusion of a flat roof is not inherently objectionable, is not the dominant roof form in this area.
6. Siting the proposed new house in this manner would introduce a prominent and incongruous feature into what is an attractive street scene and I therefore find that it would cause harm the character and appearance of the area and be contrary to Policy DMG1 of the Ribble Valley Core Strategy 2013 which requires that new development must place particular emphasis on visual appearance and the relationship to its surroundings. The proposal is also inconsistent with the advice in the National Planning Policy Framework (the Framework) which requires high quality design and which states that permission should be refused for design that fails to take the opportunities available for improving the character and quality of an area.

Living conditions

7. The side elevation of 52 Knowsley Road contains four windows, two at ground floor level and two at first floor level, and is located approximately 1 metre from the boundary with the appeal site. Whilst it is proposed to reduce the ground levels on the appeal site so that the proposed new house is at the same level as number 52 and opaque glazing is proposed for the windows in the side elevation of the new house facing it, which would prevent any overlooking, the proposed development would introduce a two storey building approximately 3.5 metres from a first floor bedroom window and a single storey element, approximately 2.5 to 3 metres high, approximately 3.3 metres from a ground floor window to a kitchen and dining room. The appellant suggests that the separation between the proposed new house and number 52 is consistent with other houses in the street, however, in this section of the street the houses are widely spaced with only garages in such proximity.
8. The height and position of the new house is such that, in my view, it would have an unduly overbearing impact on the outlook from windows of habitable rooms in the side elevation of number 52. As these windows are also north facing, the introduction of a substantial built structure close to these windows will also reduce the amount of daylight that they receive, although it will not have an impact on direct sunlight or cause any overshadowing.

9. I therefore find that the proposed development would cause harm to the living conditions of the occupiers of 52 Knowsley Road with regard to outlook and daylight, and would be contrary to Policy DMG1 of the Ribble Valley Core Strategy 2013 which seeks to ensure that new development protects the amenity of surrounding occupiers and provides for adequate daylighting. It would also be inconsistent with the Framework which seeks a good standard of amenity for all occupiers.

Other matters

10. The appellant has drawn my attention to a previous and still extant planning permission for a new house on this site. However, I have not been provided with full details or plans for that development and so cannot make a direct comparison. This fact notwithstanding, the principle of developing the site for a new house is not at issue between the parties and this appeal turns on the effect on the character and appearance of the area and on the living conditions of neighbouring occupiers as a result of the current proposal. I have therefore determined the appeal on its own merits.

Conclusion

11. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

Appeal Decision

Site visit made on 26 January 2016

by Siân Worden BA DipLH MCD MRTPI

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

Decision date: 17 March 2016

Appeal Ref: APP/T2350/W/15/3138965

Oakfield, Longsight Road, Clayton le Dale, Blackburn BB1 9EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Hayes against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0578, dated 8 July 2015, was refused by notice dated 13 November 2015.
 - The development proposed is a poultry unit.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have noted the discrepancies in the plans particularly in respect of the drawings of the end elevations. It is nonetheless clear that the fans would be in the south east elevation and I have made my decision on that basis.

Main Issue

3. I consider that the main issue in this case is the effect of the proposed development on the living conditions and amenity of the occupiers of neighbouring dwellings and businesses in respect of noise, odour and dust.

Reasons

4. The appeal site is an irregularly shaped plot within a larger field. It is set back from Longsight Road, the busy A59, along this part of which there is linear development including dwellings, a bar and restaurant, and a Bed and Breakfast business. The development proposed is a poultry unit which would house 10,000 birds. This would be a long, narrow building mostly taken up by the egg production area but with a packing room at one end. Outside would be hardstanding for parking, deliveries and collections with the single vehicular access being onto Showery Road.
5. An earlier application for a similar proposal was dismissed on appeal¹. On that occasion the inspector considered that the visual appearance of the scheme; highway matters; and tree, hedgerow and ecology issues could be addressed by condition. I agree with that position. Several properties are in fairly close

¹ APP/T2350/A/14/2219388

- proximity to the appeal site; the nearest dwelling not connected to the proposed development would be within 100m and to the north. Consequently, the inspector at that time was not convinced that the living conditions of those nearby would not be harmed as a result of dust, noise and odour emanating from the proposed development. To address these remaining concerns the appellant has submitted assessments dealing with noise and with odour and dust.
6. The appellant's acoustic assessment is not based on measurements of background noise taken at either the appeal site or nearby, noise sensitive properties. It relies instead on recent monitoring in the area at a distance of approximately 420m from the A59. That identified noise levels during the evening and night of about 33-46 dB L_{A90} . Since the appeal site and neighbouring properties are closer to the A59 the assessment predicts that background noise levels will be higher. Whilst that is a reasonable assumption it is not supported by site-specific evidence. The calculations of the sound levels predicted to occur as a result of the proposed development are not therefore reliable. A further shortcoming is that there is no cumulative assessment of the noise which would be generated when two or more operations were taking place at the same time.
 7. The Council notes that poultry units are particularly subject to odour and dust problems and that these are difficult to avoid. The appellant's odour and dust assessment sets out measures to control nuisance which are based on good housekeeping and frequent inspection. Such measures would include keeping litter dry, for instance through ventilation and minimising spillage of drinking water, and the timely removal and disposal of manure and carcasses. There would be no midden and manure removed from the building would be taken from the site on the same day. There is very little reference in the assessment to the management of dust.
 8. Prevailing winds in the area are from the south west; any nuisance in respect of odour and dust would thus affect properties to the north and north east of which there are several. The benefit of extracting air from the proposed dwelling through fans in the gable facing away and furthest from neighbouring dwellings, a measure which the appellant emphasises, would therefore be largely negated.
 9. Assessments on similar matters have also been submitted by an objector to the scheme who lives close to the appeal site. The objector's noise assessment review has identified deviations from the standard methodology in the appellant's noise assessment. His air quality assessment identifies that the proposed development would have a moderate adverse impact which in the terms of the Environmental Impact Assessment regulations would be classed as significant. Those findings lend support to my conclusion on these matters but are not decisive in themselves.
 10. All things considered, insufficient evidence has been provided on the matters of noise, odour and dust to assure me that the proposed development would not adversely affect the amenities of the surrounding area, contrary to Policy DMG1 of the Ribble Valley Borough Council Core Strategy 2008-2028. A core principle of the National Planning Policy Framework (the Framework) is that planning should always seek to secure a good standard of amenity for all

existing and future occupants of land and buildings². In addition it advises that planning decisions should aim to mitigate and reduce to a minimum adverse effects on health and quality of life arising from noise from new development³. I am not confident that the proposed development would be consistent with those objectives.

11. As explained, the level of emissions which might arise from the proposed development is not clear. I cannot, therefore, determine whether the conditions suggested by the appellant would be capable of mitigating the impact on neighbouring occupiers to within acceptable limits.
12. I have taken all the matters raised into account but not found any which are compelling reasons to allow the appeal.
13. For the reasons given above I conclude that the appeal should be dismissed.

Siân Worden

Inspector

² The Framework, paragraph 17

³ The Framework, paragraph 123

Appeal Decision

Site visit made on 15 March 2016

by V Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 21 March 2016

Appeal Ref: APP/T2350/D/16/3143788

Cornerways, Church Lane, Mellor, Blackburn, Lancs, BB2 7EY

- 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 P McCalery against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0898, dated 28 October 2015, was refused by notice dated 8 January 2016.
 - The development proposed is loft conversion with gable roof extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development proposed on the character and appearance of the area.

Reasons

3. The appeal dwelling, Cornerways, is a semi-detached bungalow. The dwelling is similar in appearance to the other bungalow which forms part of the pair and they have a uniform hipped roof design. When viewed together, both dwellings have a pleasant visual symmetry and are seen as an attractive feature in the streetscene. Cornerways is situated at the junction of Church Lane with Whitecroft Lane. The front driveway of the dwelling slopes gradually upwards from the highway. The appeal property is therefore in an elevated and prominent position when seen from public viewpoints in the highway.
 4. The appeal dwelling is on the edge of the settlement of Mellor and is surrounded by a mixture of bungalows and one and a half storey dwellings. Cornerways is seen within the context of the existing residential development and this defines the character of the area. Given the appeal dwellings prominent location in the streetscene, the visual symmetry of the pair of semi-detached bungalows, and in particular the uniform roof design, they make a highly positive contribution to the character of the area.
 5. The appeal proposal would see alterations to the existing hipped roof to form a gable on the north western elevation of the dwelling in order to facilitate a loft conversion. The extension to the roof to form the gable would be approximately 4.8m by 3.5m. The proposed height of the roof would form a continuation of the existing roof height and would be constructed in materials
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to match the existing dwelling. A dormer window is also proposed to the rear roof slope that would project approximately 3m from the existing dwelling, faced with brown concrete hanging tiles and would have three windows inserted in it.

6. The proposed extension to the existing hipped roof would disrupt the symmetry of the semi-detached bungalows and would significantly detract from the attractive appearance of the pair. Due to its size and massing, the proposed roof extension would also be seen as a bulky and prominent addition to the appeal dwelling that would be viewed as an incongruous and awkward feature in a visually prominent location in the streetscene. The proposal would not be effectively screened from public viewpoints in the highway by existing trees.
7. For these reasons, the development proposed would therefore be harmful to the character and appearance of the area and the appeal dwelling itself. I note the references to other similar development that has been constructed in the area. However, the Ribble Valley Borough Council Core Strategy (CS) was adopted in December 2014 and the policy context against which many such schemes were assessed has since evolved. In particular, policy DMG1 of the CS seeks to ensure that all development is of a high standard of building design and should consider the relationship between buildings. I must assess this appeal proposal in line with the up to date policy context. Whilst a neighbouring dwelling does have solar panels on its front roof slope, this type of development is not sufficiently similar to this appeal scheme.
8. Based on the information before me, the proposed rear dormer window would be acceptable in terms of its effect on the character and appearance of the area as it would not be visible from public viewpoints in the highway. When viewed from the rear of the appeal dwelling, there are several other examples of similar dormer windows on the rear roof slopes of neighbouring dwellings and this element of the proposal would not be materially different to the existing pattern of development in the area.
9. I therefore conclude that the development proposed would be harmful to the character and appearance of the area. The proposal would therefore conflict with policy DMG1 of the CS (as set out above) and policy DMH5 of the CS which, in relation to residential extensions, seeks to ensure that the extension improves the visual quality of the site.
10. The proposal would also conflict with paragraph 64 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other Matters

11. I understand that the development proposed is intended to provide accommodation for an elderly relative. I also acknowledge that the proposal would support two jobs during the construction phase which would, by definition, be limited in duration. However, even when considered together, these matters do not outweigh the significant harm that I have identified that would occur to the character and appearance of the area as a consequence of the development proposed.

12. The Council officer's report also refers to the effect of the development proposed on the living conditions of neighbouring occupants, with particular regard to privacy and light. However this was not listed as a specific reason for refusal by the Council. Had the appeal proposal been acceptable in other respects, this is a matter on which I would have requested further information from the parties. However, even if I were to find that the appeal proposal would be acceptable in terms of its effect on the living conditions of neighbouring occupants, this would have been a neutral consideration whereby a lack of harm would not have weighed in favour of the appeal proposal in the specific context of the scheme before me.
13. Whether or not the Council were justified in asking for a bat survey to be undertaken is not a matter before me. Whilst the appellant may be aware of similar proposals in different parts of the Country that have been constructed under permitted development, whether or not planning is required is not a matter for me to determine in the context of an appeal made under s.78 of the above Act.

Conclusion

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

V Lucas-Gosnold

INSPECTOR



Appeal Decision

Site visit made on 12 February 2016

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 24 March 2016

Appeal Ref: APP/T2350/D/16/3142632

4 Southport Barn Cottages, Sawley Road, Sawley, Lancashire, BB7 4LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Ayrton against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0594, dated 12 July 2015, was refused by notice dated 10 December 2015.
 - The development proposed is a single storey extension and loft conversion.
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Decision

1. The appeal is dismissed insofar as it relates to the single storey extension. The appeal is allowed insofar as it relates to the loft conversion, and planning permission is granted for a loft conversion at 4 Southport Barn Cottages, Sawley Road, Sawley, Lancashire, BB7 4LE, in accordance with the terms of the application, Ref 3/2015/0594, dated 12 July 2015, subject to the following conditions:
 - 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: 1/1250 location plan, the proposed attic floor plan on drawing PHD/DA/300 and the proposed east and west elevations (insofar as they relate to the roof lights) on drawing ref PHD/DA/200.
 - 3) No development shall take place until full details of the roof lights to be used in the loft conversion hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Procedural matters

2. On the application form, the location of the site is given as Southport Barn Cottages, Sawley Road, Sawley. It is clear from the representations and the submitted plans that the site solely comprises No 4 Southport Barn Cottages, and I have identified it accordingly in the appeal details above.
3. I note that the proposed attic floor plan and the front and rear elevations appear to show different lengths for the roof lights. However this is a consequence of the position of the roof slopes, which run at an angle to the horizontal plane of the floor plan and the vertical plane of the elevations, and I do not consider that these drawings are inconsistent.

Main Issue

4. I consider that the main issue in this appeal is the effect of the development on the character and appearance of the area, with particular reference to Sawley Conservation Area and the setting of the listed Southport Farmhouse.

Reasons

Character and appearance

5. Southport Barn Cottages are situated towards the southern end of the conservation area, and they also lie within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). A short distance to the north, on the opposite side of Sawley Road, is Southport Farmhouse, which is a grade II listed building. Farming has played an important role in the history of Sawley. The conservation area appraisal explains that the earliest settlement probably consisted of about six tenanted farms, and it points out that most of the historic dwellings are farmhouses and converted barns or small cottages. There is modern residential development along Sawley Road, including at The Paddock, immediately to the north of the appeal site. However the traditional buildings, including Southport Barn Cottages, which for the most part are constructed of stone to a relatively simple form and design, are a characteristic feature of the conservation area.
6. The agricultural origins of Southport Barn Cottages are clearly evident from their front elevation which faces Sawley Road, the main route through the village and the conservation area. In the centre of the building is the opening of the former cart entrance, with the doors to two of the cottages recessed behind it, and at first floor level there are only two windows in this uncomplicated façade. The planning history set out in the Council's report on the planning application identifies the site as part of Southport Farm. Southport Farmhouse, which is nearby, appears to be in need of renovation, but it is nevertheless a substantial and impressive double-fronted building, which faces the approach into Sawley from the south, and it is identified as a focal building on the townscape appraisal map for the conservation area. The association of the former barn with this listed building increases the significance of its agricultural characteristics.
7. At present there is a modest porch on the side of No 4, which is at the northern end of the former barn. The proposed extension would be built behind the porch and would wrap around the corner of the house, continuing along the rear elevation. Part of the development would project further from the side of No 4 than the existing porch, and this north-west corner of the structure would extend further back from the existing rear wall than that part which would be built directly at the back of the building. With its varied building lines, asymmetrical gable and differences in height between the ridge line and the highest part of the lean-to roofs, the extension would present an unduly complex appearance, which would detract from the straightforward form of the original building. There is a conservatory at the opposite end of the building, at the rear of No 1, and an ornate canopy has been built at the back of No 3. These additions are not in keeping with the main building, but that does not justify further development which would detract from this traditional building in Sawley Conservation Area. Moreover, although the conservatory at No 1 is visible from the road, the proposed extension would project not only to the rear, but also to the side of the former barn. It would be clearly apparent in the wide gap formed by the drive of the appeal site and The Paddock, and also from further north on Sawley Road, above the wall,

fencing and bushes on the rear boundary of the house at No 1 The Paddock. I consider that the proposed extension would be a harmful addition to the former barn, contrary to Policy DMG1 of the Core Strategy, and that it would cause significant harm to the conservation area.

8. The former barn and Southport Farmhouse are seen together from Sawley Road, and the listed building is experienced from the front and side of the appeal site. No 4 Southport Barn Cottages is within the setting of the listed building. Although the extension would be set towards the rear of No 4, its detrimental effect on the former barn would be apparent in sequential views of that building and Southport Farmhouse. The weakening of the agricultural character of the former barn would detract from the setting of the listed building, and thereby the contribution that its setting makes to the significance of this heritage asset. Due to the harmful effect of this part of the appeal proposal on the conservation area and the setting of Southport Farmhouse, it would conflict with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy 2008-2028. As it would be out of keeping with its surroundings, the extension would also detract from the character of the Forest of Bowland AONB, contrary to Key Statement EN2 and Policy DMG2 of the Core Strategy.
9. The appeal proposal also includes a loft conversion, the external effect of which would be the installation of three roof lights, two on the rear elevation and one on the front. There are already three roof lights on the front roof plane of the former barn. The roof lights proposed would not be unduly large, and as they would be aligned with the roof plane, they would not be unduly conspicuous. I do not consider that, in principle, additional roof lights in the positions shown would appear incongruous or visually intrusive. It is important that the details of the roof lights, including their materials, colour, finish, form of construction and fitting, are in keeping with both the former barn and its surroundings in this sensitive location. Whilst such details are not included in the planning application, which simply refers to conservation type roof lights, their submission could be required by means of a condition. Subject to such a condition requiring approval of their details, I do not consider that the roof lights would detract from the former barn, the conservation area, the setting of the listed building, or the AONB.
10. I conclude that the proposed extension would be damaging to the character and appearance of the area: in particular it would cause significant harm to the conservation area and it would also detract from the setting of the nearby listed building. Since the effect on the conservation area would only be evident at its southern end, and given the position and scale of the proposed extension relative to the listed building, I consider that the harm to the significance of these heritage assets would be less than substantial.

Other matters

11. The Appellant's wife is disabled, and in a personal statement he explains that the accommodation provided by the extension is needed to assist her mobility by providing level access around the ground floor and access from outside. Representations from the Appellant indicate that at the time of the application, he and his wife were living elsewhere, but wished to move to a smaller and more suitable home because of her disability. There may be other solutions to their accommodation needs, but these nevertheless carry important weight.
12. A number of local residents and Bolton-by-Bowland Gisburn Forest & Sawley Parish Council have expressed concern that the proposal would exacerbate flooding

problems as it would reduce the area used by overland flows into the stream at the rear of the appeal site. There would still be a wide gap between the Appellant's house and the adjacent properties on The Paddock, and I note that the Local Flood Authority was consulted on the application and chose to make no comments. The site plan dated September 2015 shows that two parking spaces could be accommodated, and there need be no displacement of parking onto the highway. These matters do not count against the proposal.

Conditions

13. I have already referred to a condition requiring approval of details of the roof lights. The Appellant has no objection to a condition requiring approval of the colour of render, and such a condition would be appropriate if the extension were to be permitted. To provide certainty, a condition would be necessary to specify the approved plans.

Conclusions

14. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of the listed building, and section 72(1) requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposed extension would cause significant harm to the conservation area and it would also detract from the setting of the nearby listed building: these adverse effects would lead to less than substantial harm to the significance of the designated heritage assets. In such circumstances, paragraph 134 of the National Planning Policy Framework requires that the harm should be weighed against the public benefits of the proposal. Whilst the extension has been designed to provide accommodation to meet the needs of the Appellant's disabled wife, this is a private benefit. In any event the important weight that this consideration carries does not outweigh the harm to the character and appearance of the area, including the significant harm to the conservation area and the additional detriment to the setting of the listed building, which, having regard to the statutory duties imposed by sections 66(1) and 72(1) of the Act, are matters of considerable importance and weight. In contrast, I have found that the addition of the roof lights would have no adverse effect.
15. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed in respect of the loft conversion, and dismissed in respect of the single storey extension.

Richard Clegg

INSPECTOR



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Your Ref: TJH/Lane Ends/01
Our Ref: APP/T2350/D/16/3143011

07 March 2016

Dear Mr Hobday,

Town and Country Planning Act 1990
Appeal by Mr Martin Haworth
Site Address: Lane Ends Cottage, Huntingdon Hall Lane, Dutton, PRESTON, PR3
2ZT

Thank you for your letter withdrawing the above appeal(s).

I confirm no further action will be taken.

Any event arrangements made for the appeal(s) will be cancelled.

A copy of this letter has been sent to the local planning authority.

Yours sincerely,

Rachel Owen

Rachel Owen

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search