
Appeal Decision

Site visit made on 3 October 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 7 October 2016

Appeal Ref: APP/T2350/W/16/3154278

Thorneyholme, Whalley Road, Barrow, Clitheroe BB7 9BA

- 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 Pozzi against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0145, dated 12 February 2016, was refused by notice dated 20 April 2016.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are (i) whether the proposal would harm the character and appearance of the area; and (ii) whether the appeal proposal would harm the development strategy for the borough and give rise to sustainable development.

Reasons

Character and Appearance

3. The appeal site lies to the north of the settlement of Barrow and adjacent to a residential dwelling. Part of the site currently serves as a garden, with the remainder hardsurfaced to provide vehicular and pedestrian access. The adjacent property is one of three dwellings in this group that are considerably set back from Whalley Road; the others being Moorside and Audley House. Each dwelling is set within a spacious plot, with open fields to the east and west. Trees and shrubs line the agricultural field boundary to the west and populate residential gardens. The effect of which is a partial screening of the dwellings when viewed from Whalley Road and the public right of way (PROW) which extends northwards through the site.
 4. To the south of the site on Whalley Road is the Barrow United Reformed Church, Barrow Primary School and dwellings in Birch View, Briar Bank and the Old Row. To the north facing Whalley Road is the semi-detached pairing of Lynfield and Carlyane as well as the Barrow Nurseries site.
 5. The appellant acknowledges the inevitable consequence of the proposal which would result in a visual change to the existing side garden. Even though the appellant suggests the dwelling would not appear cramped due to the spacing
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afforded by neighbouring properties and by open fields to the east and west, this is not a view that I share given the close proximity of the proposed dwelling to the existing property. The minimal gap would be at odds with the spacious layout of the group that reflects a very different character and appearance to the form of development found to the south. Furthermore the proximity of the proposal would not allow for suitable landscaping that would assist in maintaining the distinctiveness of the site and its surroundings.

6. The proposal would respect the varied style and finish of each neighbouring dwelling. However, the siting of the proposal together with gable roof form would result in a discordant feature that would clearly be at odds with the spacious pattern of development when viewed from Whalley Road, and the PROW. The effect of the proposal would become more apparent and harmful during the winter months when the deciduous trees are not in leaf.
7. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area and would be contrary to Policies DMG1 and EN2 of the Ribble Valley Borough Council Core Strategy 2008-2028 A Local Plan for Ribble Valley adopted 2014 (Core Strategy). These policies, amongst other things, seek to ensure development proposals are of a high quality design that responds to the sympathetic relationship between buildings which forms part of the local distinctiveness.

Development Strategy

8. The development strategy for the area is set out in Policy DS1 of the Core Strategy. It states that the majority of new housing development will be concentrated within an identified strategic site and three principal settlements. Other development, other than that for a proven local need or to deliver regeneration benefits, should be focused within Tier 1 settlements such as Barrow which are the more sustainable of the 32 defined settlements.
9. Core Strategy Policy DMG2 sets out that development proposals in Tier 1 villages should consolidate, expand, or round off development so that it is closely related to the main built up area. In this regard, it is suggested by the Council that the appeal site is not closely related to the main built up area of Barrow. A contrasting view is expressed by the appellant, which is based on the previously defined settlement boundaries associated with the Districtwide Local Plan (DWLP), adopted in 1998 being out of date.
10. Whilst the Council acknowledges this point, it is put that the DWLP remains a starting point. Although I appreciate the Council's view, the DWLP has nonetheless been replaced by the Core Strategy and as such I am unable to give it any weight. Despite this, the Council is in the process of bringing forward new settlement boundaries in the form of the emerging Housing and Economic Development DPD (HEDDPD). This document is currently subject to public consultation. Whilst I recognise the site falls outside of the interim boundary, it could, despite it appearing to take account of planning permissions recently being granted, be subject to change. Therefore, in its current form, the HEDDPD only attracts a very limited weight.
11. Insofar as the site itself is concerned, whilst the settlement of Barrow has evolved, I observed that the appeal site forms part of a distinct ribbon development that is set in spacious plots set back from the road. Although the site is close to the main built up area of Barrow and it is linked by residential

gardens, I consider the appeal site lies outside the settlement of Barrow, given the considerable set back away from Whalley Road behind an area of open land which I noted was used for agriculture. Consequently, unlike the ribbon development to the south, the appeal site does not readily physically or visually connect to Whalley Road due to its considerable set back from the road. I consider this to be an important consideration which, despite the appellant's view to the contrary, leads me to consider the appeal site is not within the settlement of Barrow. I recognise permission has been granted at the Barrow Nurseries site, however the circumstances of this case are not before me. As a result, in terms of the Council's development strategy, I consider the appeal site should be treated as being in the countryside.

12. As the parties agree that the Council is able to demonstrate a five year supply of deliverable housing sites, the relevant policies for the supply of housing should be considered to be up to date in accordance with paragraph 49 of the National Planning Policy Framework (the Framework).
13. Despite the site's location, it is not an isolated countryside location given the presence of some local facilities in Barrow which are within walking distance of the appeal site. These include a public house, takeaway, primary school, small supermarket, restaurant, a church and recreation facilities. Access to these would be along a lit footway. I also noted on my site visit the presence of bus stops on either side of Whalley Road offering services to Clitheroe.
14. However, the appellant has not demonstrated the site, despite its proximity to the settlement of Barrow and presence of bus services that occupants could also access community facilities, employment opportunities, medical services, banks or food shops for example. These are necessary to meet occupiers' day to day needs without requiring undue levels of travel. Some or all of these facilities maybe on offer locally, but in the absence of such information, I consider it reasonable to assume future occupants would be reliant to a certain extent on the private car for day to day essential activities.
15. In terms of Core Strategy Policy DMH3, it has not been demonstrated that a local need exists. It also follows, given my findings in respect of the site's access to services that the proposal would not therefore deliver a sustainable pattern of development.
16. I have considered the parties points surrounding a precedent being set for similar developments in the countryside. I have also had regard to the appeal decision in Clayton le Dale¹ which the Council have referred to. Notwithstanding the findings of this decision, the respective sites are near to different settlements. Each application and appeal must, as the appellant points out, be considered on its own merits. Therefore, whilst I understand the Council's underlying concern, I don't, given the site specific circumstances consider allowing this appeal would render future similar development proposals more difficult to resist which could undermine the Council's development strategy.
17. Nevertheless, on this issue, I conclude that the proposal would significantly harm the development strategy for the borough and not give rise to sustainable development. The proposal would be contrary to Policies DS1, DMG2 and DMH3 of the Core Strategy which seek to focus development in

¹ Appeal Decision Ref: APP/T2350/W/16/3146494

accordance with the development strategy or within areas outside defined sustainable settlement areas where there is an identified local need.

Conclusion

18. Although, the deliverable supply is not a maximum figure, given the Framework's overarching aim to boost the supply of housing, the provision of an extra family dwelling would offer social and economic benefits. However the scope of these is limited to the modest contribution which would be outside the main built up area of Barrow. In any event, these matters do not outweigh my findings on the two main issues.
19. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

Appeal Decision

Hearing held on 7-8 September 2016

Site visit made on 7 September 2016

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 12 October 2016

Appeal Ref: APP/T2350/W/15/3130859

Land at 23-25 Old Row, Barrow

- 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 Admiral Taverns Ltd against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2014/0846, dated 3 September 2014, was refused by notice dated 23 December 2014.
 - The development proposed is for the erection of 167 residential dwellings with access, parking and associated landscaping following demolition of Nos. 23 and 25 Old Row.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For reasons of clarity, I have shortened the description of development to remove unnecessary wording for the purposes of this appeal.
3. The application was submitted in outline with all matters reserved. This is the basis upon which this appeal has been determined.
4. An application for costs was made by the Council against the appellant. However, this was withdrawn during the Hearing and will not, therefore, be the subject of a separate decision.

Main Issues

5. The main issues are the effect of the proposal on the safe and efficient operation of the highway network and whether the proposal would affect future economic growth or the attainment of the sustainable development goals of the development plan.

Reasons

6. The appeal site is an L-shaped area of land of approximately 7 ha. It comprises a number of agricultural fields, an informal car park and two buildings that front onto Whalley Road. These buildings would be demolished to accommodate the main access to the proposed development which comprises around 167 residential dwellings. The existing parking area, which is currently used by local residents and parents whose children attend an adjacent primary school, would be retained and upgraded. The appeal site
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abuts the north-eastern boundary of the settlement of Barrow and extends to the curtilage of the A59 to the east. The Barrow Brook Business Village adjoins the southern site boundary and comprises a petrol station, convenience store, fast-food restaurant, food distribution centre, offices and a recent residential development.

Highway safety

7. The appeal site is approximately 5.5 km from the centre of the market town of Clitheroe and 2 km north of the village of Whalley. Whalley Road is the main route through Barrow connecting it with Clitheroe to the north and Whalley to the south. It is a well illuminated, single carriageway flanked by footways and has a width of approximately 7.3 m. There is a 30 mph speed restriction in the vicinity of the appeal site as well as a significant extent of on-street parking associated with nearby terraced properties. Various parking restrictions are in place that include double yellow lines, zig-zag yellow lines and disabled parking zones. There are no parking restrictions either side of the existing site access. The street scene is uncluttered and the line of the road is such that road users generally have clear sightlines when approaching the existing site access.
8. I note that Lancashire County Council (LCC) and the Council consider the proposed site access acceptable and I am inclined to agree bearing in mind the physical characteristics of Whalley Road and the proposed improvement measures. Both the Council and the appellant agree that these measures would mitigate the increased number of vehicle movements and improve the infrastructure for other road users and pedestrians. Both parties are also in agreement that any parking overspill issues would be avoided by the retention of approximately 40 communal parking spaces. Despite these facts, local residents have raised a number of concerns.
9. Whilst the appellant is of the opinion that there would be no net loss of on-street parking, I observed that the traffic calming measures would lead to a small reduction. However, this would not amount to more than two spaces because the proposed measures would overlap with areas where parking is already restricted and would be mitigated by the overspill parking area in any event. Although it was suggested that the occupiers of the proposed development might be inclined to use this area, or even park on Whalley Road, I do not find this a reasonable assumption. This is because each dwelling would have its own off-street parking. Consequently, leaving vehicles elsewhere would be inconvenient given the daily reliance on the use of private motor vehicles at this location.
10. The Parish Council has suggested that the proposal would exacerbate existing congestion and 'reduce the road to gridlock'. However, this was not supported by either the observed or predicted traffic flows of the Transport Assessment¹ which included all committed development in and around Barrow. Furthermore, the peak flows would be primarily associated with commuting activity at the beginning and end of the working day which would only have a limited overlap with the periods when children are being collected or dropped at the nearby school.

¹ Transport Assessment. Land off Whalley Road, Barrow Brook, Clitheroe, Lancashire. Opus International Consultants (UK) Ltd. August 2014.

11. I accept that conditions may vary at evenings and weekends but note that the carriageway is of sufficient width to allow movement in both directions even with cars parked on either side of the road. Whilst the appellant did not observe traffic flow during these periods, LCC indicated that visits had been made on up to 20 separate occasions at such times and that no significant congestion was observed.
12. Given the number of dwellings, it has been suggested that the proposal would lead to wider impacts on the strategic road network. The Transport Assessment identified a number of key locations that were considered to be vulnerable to the increased traffic flow from the proposal. During the Hearing it was accepted that the coverage of the assessment could be improved and the A59/A671 roundabout was consequently included in a refined assessment that was submitted on the second day of the Hearing. This was jointly undertaken by the appellant and LCC. The assessment included, among other things, more comprehensive data on committed development. Given these refinements and the use of established modelling techniques, I am satisfied that the agreed growth rate of 9% gives a broad indication of likely impacts of the proposed development on the wider road network.
13. It was agreed at the Hearing that this traffic growth would have the greatest impact on the operation of two King Street priority junctions that provide links to Station Road in the north and Accrington Road in the south. It was also agreed that a series of planned highway improvements along King Street would enable these junctions to operate more efficiently by reducing a number of existing operational issues along King Street, effectively making the flow of the traffic less 'turbulent'. After careful consideration of the proposed measures it is clear to me that some improvement in flow would be achieved. However, the physical constraints associated with the priority junctions are such that they would continue to act as bottlenecks. Moreover, disruption to the traffic flow would still be caused by, among other things, manoeuvring vehicles joining the road or attempting to park as well as stationary vehicles delivering goods to local businesses.
14. Given the high volume of traffic that already passes through Whalley and the significant extent of committed development in the local area, it seems to me that the road network is nearing its maximum capacity. The model outputs suggest that the proposed scheme will result in serious congestion prior to the construction of a link road that will be funded by another development on land at Lawsonsteads (Ref: 3/2013333/0137). Substantial increases in the length of queues during peak periods would occur across all locations with one queue increasing from 72 m to 794 m. It was confirmed at the Hearing that the next phase of development at Lawsonsteads has only reached pre-application stage. As the necessary funds for the link road would only be released when the first dwelling is occupied, I am not satisfied that this road would be operational in sufficient time to avoid severe, cumulative road traffic impacts on the wider road network.
15. Given the above, I conclude that whilst the proposal would not lead to a significant road traffic impact in Barrow it would nevertheless cause significant harm to the safe and efficient operation of the wider highway network contrary to DMG1 of the CS that seeks, among other things, to ensure that due consideration is given to the potential traffic implications of development. As a result, the proposal would not be in accordance with the development plan.

Bearing in mind the severity of the wider residual, cumulative road traffic impacts I also find that the proposal would be contrary to paragraph 32 of the Framework.

Economic growth

16. The appeal site is part of land that has been identified as a main location for employment within the Borough in Key Statement DS1 of the CS. This is known as the Barrow Enterprise Site and includes the Barrow Brook Business Village, immediately to the south of the appeal site. The site contributes 31% (7 ha) to the total area of land committed for employment within the Borough. Consequently, the Council are of the opinion that the proposal would undermine the CS and would have a detrimental effect on the local economy by limiting future growth prospects. When the original application was determined, the majority of the site had extant permissions for commercial use which have since lapsed. The appellant maintains that the site is not deliverable, alternatives exist and that there is no guarantee that any appropriate development would come forward in the future.
17. The viability of the site was questioned because of issues associated with securing a suitable access from the Barrow Brook Business Village and the A59 via North Road. The Council accept that the commercial use of the site is predicated on this access. This is required to accommodate the frequent movement of commercial vehicles. It was established at the Hearing that the negotiations with the Council to purchase the appeal site had not come to fruition because of the need to purchase an additional strip of land to meet the required pedestrian access standards and the presence of a 'ransom strip' that would have required leasehold negotiations. The appellant is of the opinion that a commercial investor would come to a similar conclusion and seek out less complicated sites that would provide quicker financial returns. Whilst this might prove to be the case, that is not to say that these issues would inevitably be insurmountable and could not be resolved through negotiation.
18. The appellant maintains that more deliverable alternatives exist and the Council indicated at the Hearing that up to 15% of the committed employment sites have come forward since the beginning of the plan period. However, the fact remains that the site constitutes a significant proportion of the total area that has been allocated to drive economic regeneration in the Borough. I accept that there is no guarantee that appropriate development proposals would come forward in the future but equally there is no guarantee that appropriate windfall sites would compensate for the loss of this major site.
19. The evidence before me suggests that the presence of appropriate development proposals for the site has not been adequately tested given the level of marketing that has occurred. In any event, the development plan has been recently adopted and covers a period up to 2028. Whilst developers would look to committed sites with the lowest risk, these would decline over time, thus making the appeal site more attractive. I am also mindful of the wider economic recessionary trends that may have affected the development of the site and the Council's undisputed evidence that this situation has recently changed with increased interest being shown in a number of other employment sites.
20. Given the above, I conclude that the proposal would adversely affect economic growth contrary to Key Statements DS1 and EC1 of the CS which identify the

role that the site has to play as a main location for delivering employment growth in the Borough. This would not be in accordance with the development plan or the economic role of the planning system which is to provide sufficient land of the right type to support growth and innovation as set out in paragraph 7 of the National Planning Policy Framework 2012 (the Framework).

Sustainable development

21. Barrow is classified as a Tier 1 settlement in Key Statement DS1 of the CS. This means that out of a total of 32 settlements it is recognised as being one of the more sustainable locations for development outside the strategic sites and principal settlements of Clitheroe, Longridge and Whalley. The distribution and scale of development intended to achieve a sustainable pattern of growth is set out in table 4.12 of the CS which shows a residual housing requirement of 145 dwellings across eight of the Tier 1 settlements over the plan period.
22. However, Barrow has a zero requirement because of the significant housing commitments that were present up to March 2014. Paragraph 4.13 goes on to state that further housing development will consequently not be promoted in Barrow. I accept that the specific wording of the policy does not set any limits on market housing or preclude the delivery of the stated requirement in a single Tier 1 settlement. However, when read objectively, within its proper context, it is clear that the majority of new housing will be directed to Tier 1 settlements other than Barrow on the basis of existing commitments within that village.
23. This is supported by paragraph 47 of the Framework which advises that an approach to housing density that reflects local circumstances is one of the factors that can significantly boost the supply of housing. The evidence before me suggests that there has been a significant increase in residential housing in the local area. The 2010 electoral register indicated that Barrow contained at least 304 households. Bearing in mind the development already committed, this would rise to around 1,014. Consequently, the Council's approach represents a robust response that has taken account of local circumstances thus ensuring a more spatially balanced delivery of new housing across the plan area.
24. Paragraph 47 also advises that a deliverable five year housing land supply is an important factor in boosting the supply of housing. Despite disputing the precise extent of the housing land supply, the appellant nevertheless accepted that a deliverable five year supply was present during the Hearing. Whilst it was suggested that there is a risk of under-delivery this was not substantiated when individual sites were considered. It was also established that the Council is well advanced in meeting its housing targets for the plan period despite under-delivery prior to the adoption of the CS. Furthermore, it was an undisputed fact that the annual delivery targets have been met over the last two years.
25. I accept that the proposal would be in a sustainable location, provide affordable housing, boost the supply of market housing and provide employment opportunities during its construction phase. In these respects the proposal would gain some support from the Framework. However, these benefits must be balanced against any adverse impacts. Given the harm that would be caused to highway safety and economic regeneration and having had regard to

the policies of the Framework as a whole I find that the proposal would not constitute a sustainable form of development.

26. Given the above, I conclude that the proposal would cause significant harm to the attainment of the sustainable development goals of the development plan. This would be contrary to Key Statement DS1 that seeks, among other things, to ensure that the scale of planned housing growth is managed to reflect the extent to which it can be accommodated in a local area and that development opportunities will be created for economic, social and environmental well-being and development for future generations. Consequently, the proposal would not be in accordance with the development plan in relation to this issue either.

Other Matters

27. The Council are of the opinion that the proposal would set a precedent that could further erode the provision of employment land in the Borough. However, each case should be judged on its individual merits and the evidence submitted. Given the complex and unique characteristics of this particular case, I am satisfied that the submission of an application which is the same in every respect would be extremely unlikely. Consequently, had I been minded to allow the appeal I do not find that it would create a realistic precedent.
28. A Section 106 Agreement and a Unilateral Undertaking have been provided that would improve local education and public open space provision and ensure that no less than 30% of the proposed units are sold or rented as affordable housing. As the appeal is being dismissed on other, substantive issues these obligations will not be considered in any further detail as they have not been determinative in my reasoning.

Conclusion

29. For the above reasons and having regard to all other matters raised I conclude that, on balance, the appeal should be dismissed.

Roger Catchpole

INSPECTOR

APPEARANCES

FOR THE COUNCIL

Mrs J Macholc, Senior Planner, Ribble Valley Borough Council

Mr J Macholc, Head of Planning, Ribble Valley Borough Council

Mr N Stevens, Highways Development Control Officer, Lancashire County Council

Mr C Hirst, Head of Regeneration, Ribble Valley Borough Council

Mr C Matthews, Regeneration Officer, Ribble Valley Borough Council

Mr A Proctor, AC Surveyors

FOR THE APPELLANT

Mr N Ozier BA (hons) MRTPI, Planning Consultant, Aitchison Raffety

Mr J Sturgess, Planning Consultant, Caldecotte Consultants Ltd

Mr P Sturgess, Planning Consultant, Caldecotte Consultants Ltd

Mr M Clegett, Highways Consultant, Opus

Mr T MacMahon, Head of Estates, Admiral Taverns Ltd

Mr M Cavannagh, Land Agent, Trevor Dawson

INTERESTED PARTIES

Ms J Brown, Barrow Parish Council

DOCUMENTS SUBMITTED

S1 Five year housing land supply report, April 2016

S2 Revised conditions

S3 Revised traffic modelling output

Appeal Decision

Site visit made on 5 October 2016

by W Fabian BA Hons Dip Arch RIBA IHBC

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

Decision date: 12 October 2016

Appeal Ref: APP/T2350/W/16/3153754

Ellerslie House, Ribchester Road, Clayton le Dale, Blackburn BB1 9EE

- 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 Andrew Milligan against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0393, dated 26 April 2016, was refused by notice dated 28 June 2016.
 - The development proposed is a dwelling.
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Procedural Matter

1. The submitted drawing indicates that the proposal is for a new dwelling within the garden of Ellerslie House, as applied for. However, an additional title on the drawing indicates that the address is 142, Ribchester Road, Wilpshire. I saw at my unaccompanied site visit that a property several houses further along the road on the same side as Ellerslie House is numbered 142. There is no doubt from the proposal drawing that Ellerslie House is the property referred to in the application and as shown on the drawings. Accordingly I shall determine the appeal in accordance with the address as detailed in the application.

Decision

2. The appeal is dismissed.

Application for costs

3. An application for costs was made by Ribble Valley Borough Council against Mr Andrew Milligan. This application is the subject of a separate Decision.

Main Issue

The main issue is the effect of the proposal on the character and appearance of the open countryside and whether the principle of development in this particular location would be justified having regard to development plan policy objectives for the strategic location of new housing.

Reasons

4. The proposed dwelling would be built in the large side garden (on a former tennis court) at Ellerslie House and would share the existing access from the main road. Three in-curtilage parking places would be provided as well as a turning space to enable vehicles to enter and leave the site in forward gear.

5. The long ribbon of houses along this stretch of rural road are extremely varied; mainly detached or semi-detached, mostly in large plots and in a wide range of styles, both single and two storey. There are sporadic gaps with open fields on both sides of the road, which increases the sense of intermittent rural development.
6. The proposed two storey brick house would be similar to some of the smaller houses in the vicinity and would have adequate space around it to maintain the sense of space along the road. The Council has raised no objection to the proposal in terms of character and appearance and I can see none; the style of the proposed house would blend easily with the varied mix of house types and styles in the immediate vicinity, both opposite and alongside the site. The Council has acknowledged that highway access and parking matters have been resolved. The appeal therefore turns on the principle of development on this site.
7. Policy DS1 of the Ribble Valley Borough Council Core Strategy 2008 – 2028 A Local Plan for Ribble Valley, 2014, (CSLP) mainly directs new housing development to the principle settlements of Clitheroe, Longridge and Whalley. In addition, the policy lists Tier 1 Villages, which are the more sustainable of the 32 defined settlements and Tier 2 Village settlements, which are the less sustainable of the 32 defined settlements. CSLP policy DMG2 states that development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision.
8. Although Wilpshire, nearby, is a Tier 1 Village, there is a recognisable form to that village, with undeveloped field gaps between it and the settlement of Clayton le Dale, where the appeal site is located. Consequently it is clear that the appeal site and its surroundings fall to be considered as part of an 'other settlement'. The policy allows for small-scale development in smaller settlements that are appropriate for consolidation and expansion or rounding off, for identified local needs. However, no case for local need has been put forward in relation to the appeal proposal. Further, CSLP policy DMG2 includes that development in Tier 1 villages should consolidate, expand, or round off development so that it is closely related to the main built up areas; this cannot be said to apply in this case where the site is part of a long ribbon of development, well away from the main built up area.
9. The appeal site lies some 400m outside the settlement boundary defined in the previous 1998 Local Plan as well as the recently updated Draft Settlement Boundaries, April 2016. As such it lies in an area defined as open countryside where CSLP policy DMH3 states that new dwellings should be limited to those essential for the purposes of agriculture or which meets an identified local need. Neither of these apply in this case.
10. With regard to paragraphs 49 and 14 of the Government's Framework¹, it is not disputed that the Council can demonstrate a five-year supply of deliverable housing sites. While the appellant suggests that this has not yet been fully built out, there is little evidence before me to suggest that this will not be achieved within the relevant plan period. As such the housing policies of the development plan are up to date and apply in this case.

¹ National Planning Policy Framework

11. The appellant has noted a residential annex granted approval as a separate dwelling in 2009 and a bungalow granted planning permission in 2013, both nearby. These both pre-date the current development plan, which forms the policy context for this appeal. Sustainability matters relating to access to transport, facilities and services from the site are not in dispute, but are not determinative considerations in this case.
12. My attention has also been drawn to a recent appeal decision² in the same district where the inspector noted that the presumption in favour of development explained in paragraph 14 of the Framework cannot apply here because housing policies are up to date (as set out above), but proposals that are otherwise acceptable should not be refused on the basis that a five year supply already exists. He also stated that windfall plots such as this must be determined according to their unique circumstances – as I have done in reaching by decision in this case. The site circumstances in that case were wholly different; the site was located close to Whalley, a principle settlement in the strategic policy. Since then also the draft settlement boundary document has been published for consultation and so attracts a little more weight than previously.
13. Matters of precedence, raised by the Council, are rarely a justification for refusing planning permission as each proposal should be determined on its own individual merits. However, in the context of numerous similar locations that I have seen along this stretch of road, approval of this appeal could make it more difficult for the Council to resist future similar applications for those sites and cumulatively this could undermine the Council's development strategy and exacerbate the harm identified in this case.
14. For the reasons set out above and taking all other matters raised into consideration, the proposal would harm the character and appearance of the open countryside, through the introduction of an additional new dwelling. It would fail to comply with development plan policy objectives for the strategic location of new housing. The appeal should be dismissed.

Wenda Fabian

Inspector

² APP/T2350/15/3003006



Costs Decision

Site visit made on 5 October 2016

by **W Fabian BA Hons Dip Arch RIBA IHBC**

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

Decision date: 12 October 2016

Costs application in relation to Appeal Ref: APP/T2350/W/16/3153754 Ellerslie House, Ribchester Road, Clayton le Dale, Blackburn BB1 9EE

- 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 Ribble Valley Borough Council for a full award of costs against Mr Andrew Milligan.
 - The appeal was against the refusal of planning permission for a dwelling.
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, the Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council in making its application cites paragraph 53 of the Guidance, which sets out that an appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding. This may occur when; the development is clearly not in accordance with the development plan, and no other material considerations such as National Planning Policy are advanced that indicate that decisions should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence. The Council's case is therefore that the appeal has in essence been lodged with 'no reasonable prospect of success'.
4. I have found in my main decision that the proposal would be contrary to the development plan in strategic planning terms and have found that neither National Planning Policy nor the material considerations put forward by the appellant justify deviation from this.
5. The Council wrote to the appellant some four weeks after the appeal was submitted to alert him to several recent appeal decisions, in particular one¹ relating to the site opposite the appeal site and drew his attention to the clear explanation of the strategic policy context set out in it. While that case differs from the appeal proposal in concerning the conversion of a single dwelling into three, the same strategic policy context applies, as I have set out in my

¹ APP/T2350/W/16/3146494

decision. The inspector in that case reached the same conclusion as I have with regard to the principle of additional housing in this particular location. In this context the appellant and his professional adviser should have been aware that there was little prospect of a successful outcome for his appeal and could have withdrawn it.

6. For these reasons I find that the appellant, Mr Andrew Milligan, has behaved unreasonably in pursuing the appeal, which could have been avoided. The Council has been obliged to expend unnecessary time and resources in defending its decision and preparing written submissions for the appeal.

Costs Order

7. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that the applicant Mr Andrew Milligan shall pay to Ribble Valley Borough Council the costs of the appeal proceedings 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.
8. The applicant is now invited to submit to Mr Andrew Milligan, 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.

Wenda Fabian

Inspector

Appeal Decision

Site visit made on 12 October 2016

by **Daniel Hartley BA Hons MTP MBA MRTPI**

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

Decision date: 18 October 2016

Appeal Ref: APP/T2350/D/16/3158291 29 Warwick Drive, Clitheroe BB7 2BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Jenny Davy against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0655, dated 4 April 2016, was refused by notice dated 2 September 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon the occupiers of neighbouring properties in respect of outlook.

Reasons

3. The appeal site comprises a semi-detached house within an established residential area. It includes a rear garden which has a detached garage positioned to the side/rear of the dwelling. The latter is common place for dwellings on this side of Warwick Drive.
 4. It is proposed to erect a single storey pitched roofed extension projecting just over 8 metres from the rear wall of the house. It would be positioned about 300 mm from the boundary fence with the neighbouring garden area of No 31 Warwick Drive and would be built alongside the existing detached garage.
 5. The extension would be set some distance away from the boundary with No 27 Warwick Road and most of it would be screened by the existing detached garage belonging to this property. The latter is higher than the proposed extension. Taking these factors into account, I do not consider that the proposal would have an overbearing impact upon the occupiers of No 27 Warwick Road.
 6. Whilst there is a relatively high boundary fence between the appeal property and No 31 Warwick Drive, this would not have the effect of screening all of the development. Part of the proposed side wall and the entire roof would be visible from both the garden area and rear windows of No 31 Warwick Drive. Given the height of the development, and its significant projection from the
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rear wall of the existing house, it would have an unacceptably dominating and enclosing impact when viewed from the ground floor window and garden area of this property. I do not agree with the appellant that a 300 mm gap between the extension and the boundary fence would be sufficient to mitigate the identified dominating impact. I acknowledge that the occupiers of No 31 Warwick Drive currently have a view of the detached garage, but this is at an angle and it is positioned some way off the common boundary. Consequently, the occupiers of No 31 Warwick Drive currently have a relatively open outlook.

7. Whilst the proposal would not have an adverse effect upon the occupiers of No 27 Warwick Drive, I nonetheless conclude that the proposal would have a significantly dominating and overbearing impact upon the occupiers of No 31 Warwick Drive. Therefore, the proposal would not accord with the amenity aims of Policy DMG1 of the adopted Core Strategy 2008-2028 "A Local Plan for Ribble Valley" 2014.

Other Matters

8. I acknowledge that the extension would not have any windows in its side elevations. This would ensure that there was no adverse effect upon the privacy enjoyed by the occupiers of neighbouring residential properties. However, this would not overcome the identified concern relating to the dominating effect of the proposal upon the occupiers of No 31 Warwick Drive.
9. I note the appellant's references to other extensions in Warwick Drive including an extension between No 19 and No 21 Warwick Drive and an extension to the side of No 25 Warwick Drive. I do not know the exact circumstances which led to these extensions being built/allowed, but from what I could see as part of my site visit they appeared to be totally different developments. In any event, I have determined this appeal on its individual planning merits.
10. I accept that the occupier of No 31 Warwick Drive has not objected to the proposal. However, paragraph 12 of the National Planning Policy Framework states that one of core land-use principles is that planning should "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*".
11. None of the other matters raised outweigh my conclusion on the main issue.

Conclusion

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

Daniel Hartley

INSPECTOR

Appeal Decision

Site visit made on 3 October 2016

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 24 October 2016

Appeal Ref: APP/T2350/W/16/3148135
1&2 Abbeycroft, The Sands, Whalley BB7 9TN

- 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 Peter Fletcher against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0022, dated 7 January 2016, was refused by notice dated 25 February 2016.
 - The development proposed is demolition of external toilet block and the construction of a single storey extension at the rear of 1 & 2 Abbeycroft.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the special architectural and historic interest and significance of the listed building; the effect of the proposal on the setting of neighbouring listed buildings and linked to that whether the proposal would preserve or enhance the character or appearance of the Whalley Conservation Area.

Reasons

3. Abbeycroft is a Grade II listed building dating from the mid C17 and altered in the late C19. It was originally thought to be a single dwelling but is now in use as four separate properties. It is a tall, visually robust, linear structure built in sandstone rubble with a steeply pitched roof. Set at a right angle to The Sands, the building has vehicular access to the front and long gardens at the rear. The boundary of No1, which lies at the end of the row and abuts The Sands, is marked by a stone boundary wall.
4. The site lies within the Whalley Conservation Area and borders the Whalley Abbey northwest gateway, Grade I listed; Scheduled Ancient Monument. In addition it lies within the setting of the Grade II listed buildings Abbey Presbytery and Whalley Viaduct and the Grade II* listed building, Sands Cottage. These buildings and their environs, which have a tranquil rural character, form a little-altered setting to the site, which in turn makes a prominent and positive contribution to character and appearance of the conservation area. The combination of these elements makes the site highly significant and sensitive to change. The special interest of Abbeycroft as a listed building lies primarily in its age and rarity, its architectural evolution, its

- historic use and development and its group value and setting with other listed structures.
5. It is proposed to construct a single storey extension to the rear of 1 and 2 Abbeycroft in order to create a garden room for both properties. The extension would be a flat roofed structure with a lead faced roof. External walls would be predominantly of full height glazing set in a powder coated aluminium frame, inset with sandstone panels. To facilitate the extension a small detached toilet block would be demolished.
 6. Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing uses. It is clear to me that the design of the proposed extension has been carefully considered. The main part of the roof canopy would be set away from the fabric of the rear elevation. Areas of glazing would provide the structure with a lightweight character as well as providing glimpses of the original fabric.
 7. However, the structure would be almost double the depth of the existing building and would extend some way beyond the existing two-storey projection, itself a substantial element of the building. In addition, the wrap around style of the extension would be at odds with the linear form of the building as a whole. Whilst I acknowledge that the height of the extension would be significantly lower than that of the host building, at almost 3m high and of the depth proposed it would, nevertheless, be a sizeable structure. As a result of its position and size, coupled with its contemporary character, it seems to me that the extension would draw the eye and would compete with, rather than be visually subordinate to, the character of the listed building.
 8. Furthermore, the extension would project forward of the side elevation towards The Sands and thereby be an obvious and prominent feature in the public realm. I accept that the stone boundary wall would partly obscure views of the extension. Nevertheless, the height of the wall is not consistent and parts of the extension would be visible for a considerable distance along The Sands in both directions. The presence of the extension would also be apparent at night when illuminated. Whilst I accept that the extension would extend across only part of the terrace as a whole, for the reasons above, I am not persuaded that it would be a sensitive addition.
 9. For these reasons the proposal would fail to preserve the special architectural and historic interest of the listed building, or the setting of neighbouring listed buildings. In addition, the proposal would not preserve the character or appearance of the conservation area. Consequently the proposal would not meet the requirements of s66 (1) and s72 (1) of the Planning (Listed buildings and Conservation Areas) Act 1990 (the Act).
 10. Furthermore, the proposal would not comply with policies DME4 and DMG1 or Key Statement EN5 of the Ribble Valley Core Strategy which seek in various ways to conserve and enhance the significance of heritage assets and their settings.
 11. The National Planning Policy Framework (the Framework) sets out at paragraph 132 that great weight should be given to the heritage assets' conservation. Paragraph 134 of the Framework states that where a proposal

would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, that harm should be weighed against the public benefits of the proposal.

12. The existing ground floor accommodation in Nos 1 and 2 is limited in terms of its size and configuration. I accept that the proposal would provide the residents with additional space that would enhance living conditions. I have also taken into consideration comments that the dwellings were flooded in 2015 but there is no conclusive evidence before me on the likelihood of future flooding or the impact the proposed extension would have on it. This limits the weight I can give the matter as a benefit of the scheme.
13. The blockwork toilet block has clearly existed for some considerable time and no objections have been raised by the Council to its demolition. However, whilst the block is somewhat of an anomaly, it has a neutral impact on the significance of the listed building and its removal would therefore be of only limited benefit.
14. Consequently, I am not persuaded that these matters equate to a public benefit, including the need to secure optimum viable use of the building, such that would outweigh the harm I have identified; harm which, given the statutory requirements of the Act and advice within the Framework, attracts great weight on the negative side of the balance.

Conclusion

15. For these reasons and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR

Appeal Decision

Site visit made on 11 October 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 24 October 2016

Appeal Ref: APP/T2350/W/16/3152880

Fourwinds, 54 Fairfield Drive, Clitheroe, Lancashire BB7 2PE

- 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 Stephen Pym of Millbrook Associates Ltd against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0368, dated 13 April 2016, was refused by notice dated 24 May 2016.
 - The development proposed is one dwelling within the curtilage of an existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for one dwelling within the curtilage of an existing dwelling at Fourwinds, 54 Fairfield Drive, Clitheroe, Lancashire BB7 2PE in accordance with the terms of the application, Ref 3/2016/0368, dated 13 April 2016, 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: 4972-01C and 4972-02.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development 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) No development shall commence until details of the alignment, height and appearance of all boundary treatments have been submitted to and approved by the local planning authority prior to their installation. The development shall be carried out in accordance with the approved details.
 - 5) The garage hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the area.
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Reasons

3. The appeal site comprises part of the garden area of 54 Fairfield Drive, which is a two storey substantial detached dwelling located in a residential part of Clitheroe.
4. The area is characterised by a wide variety of residential properties of different designs and styles which appear to have been built in the 1960s and 1970s. These include semi-detached and detached two storey pitched roof and gable fronted houses, bungalows and dormer bungalows. A range of materials are used in the immediate surroundings including artificial stone, brick, render and pebble dash. There is also variety in the size of plots and the spacing between properties.
5. To the immediate rear of the site is a new residential development known as 'Ribble Meadows' where there is a wide variety of modern houses and bungalows of different styles and materials.
6. The appeal property differs to others in the vicinity in that it is set within a particularly large plot and has an angled relationship with the road. Also, its proportions, materials and overall design differ from others in its surroundings.
7. It is proposed to erect a two storey pitched roof detached house in part of the garden to the side of No 54. Additional accommodation would be provided in the roof space. A new separate vehicular access, driveway and single detached pitched roof garage are also proposed.
8. The eaves and the ridge of the proposed dwelling would be slightly higher than adjacent properties. However as a consequence of the separation distances between the site and Nos 52 and 54 and the set back from the road I do not consider that the height difference would be apparent or discordant.
9. The proposed dwelling would be predominantly faced in render with stone detailing, including heads, sills, mullions and quoins. Other properties in the vicinity of the site generally have less ornate detailing and are of a more basic design. Given the wide range of properties in the area and the variety of materials used I do not consider that the proposed detailing would be at odds with the surroundings. The introduction of the proposed design features articulates and enlivens the overall design of the property. The horizontal emphasis of the openings on the front elevation and its symmetrical design are sympathetic to its surroundings.
10. The local planning authority is concerned that the proposal would emphasise the existing angled relationship of No 54 to the adjacent street. The proposed dwellings would have the same perpendicular relationship with the street to most properties in the area. Consequently, the proposal would have a good relationship with the street scene and its surroundings, in general. Although the proposal may emphasise the angle I do not consider that the relationship would result in a particularly discordant effect on the area.
11. Overall, although more articulated than other local properties, the design and layout of the proposal is appropriate within this residential setting. I therefore conclude that the proposal would have no harmful effect of the proposal on the character and appearance of the area. Therefore, it accords with the design requirements of Policy DMD1: General Consideration of the Ribble Valley Borough Council Core Strategy 2008-2028 A Local Plan for Ribble Valley

Adoption Version (Adopted 16 December 2014) (CS) and the National Planning Policy Framework.

Other matters

12. In reaching my decision I have taken account of local objections to the proposal. In determining this appeal I have given regard to the development plan comprising the CS and also the Framework.
13. Given the separation distances between the proposal and adjacent residential properties I do not consider that the development would be overbearing, dominant or result in loss of light. Furthermore, taking account of the orientation of main habitable room windows I do not consider that the development would lead to an unacceptable degree of overlooking and loss of privacy. Consequently, on this matter I do not consider that the proposal would be harmful to the living conditions of the occupants of neighbouring residential properties.
14. I do not consider that the development of one property would result in harm to highways conditions. Sufficient driveway and garage space is provided to meet the parking needs of the property. A condition could mitigate the potential future loss of the garage space.
15. I have also considered concerns regarding the effect on local land stability drainage. The application proposes foul water to the mains sewer and surface water is to be dealt with by means of a connection to the existing drainage system. The site is not within an area at risk from flooding and as such, I consider that satisfactory drainage can be achieved on site. I have no evidence of there being land stability issues in the area that would need to be addressed through the planning process.
16. In support of the appeal my attention has been drawn to another development in the area at 8 Lancaster Drive, Clitheroe for which the local planning authority granted planning permission under reference 3/2014/0536 on 14 August 2014. Although that case illustrates how a new house with an almost identical design to the current proposal can complement its surroundings I note that it was approved before the current Core Strategy was adopted. Furthermore, the characteristics of each site are different. As such, it has had limited weight in my assessment of the current appeal.

Conditions

17. I have specified the approved plans for certainty. In accordance with the Council's suggestion I also attach a condition requiring the submission of the details of external materials and boundary treatment in the interests of the character and appearance of the area.
18. I have also specified that the garage shall be kept available for parking vehicles in the interests of ensuring that adequate parking is provided and in the interests of the character and appearance of the area.

Conclusion

19. For the above reasons and taking account of other matters raised I conclude that the appeal should be allowed.

Alastair Phillips

INSPECTOR