

---

# Appeal Decision

Site visit made on 18 October 2016

**by Thomas Hatfield BA (Hons) MA MRTPI**

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

**Decision date: 4<sup>th</sup> November 2016**

---

**Appeal Ref: APP/T2350/W/16/3151566**

**Field Barn, Old Langho Road, Langho, Lancashire, BB6 8AW**

- 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 Craig Robinson against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2016/0241, dated 2 March 2016, was refused by notice dated 10 May 2016.
  - The development proposed is a garage/annex building and stable block within the residential curtilage.
- 

## Decision

1. The appeal is dismissed insofar as it relates to the garage/annex building. The appeal is allowed insofar as it relates to the stable block and planning permission is granted for a stable block at Field Barn, Old Langho Road, Langho, Lancashire, BB6 8AW in accordance with the terms of the application, Ref 3/2016/0241, dated 2 March 2016, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: PHD/FB 100.
  - 3) No development shall take place above slab level until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
  - 4) The stable block hereby approved shall only be used for private recreational purposes incidental to the dwelling at Field Barn.

## Main Issue

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

## Reasons

3. The appeal site is currently occupied by a former barn that has recently been converted into a dwelling. There are currently no other outbuildings around the barn, and it is in a relatively isolated location in the open countryside.
-

- Despite its large footprint the barn is a relatively squat structure with a low ridge height. The later additions are also mostly single storey in height.
4. The former barn has been significantly altered and extended under recent permissions, and it now has the appearance of a medium-sized detached property. Whilst it is currently an isolated structure in the landscape, I do not consider that the introduction of outbuildings would be harmful per se, provided these are of an appropriate design and sympathetic to the rural setting.
  5. The proposed stable block would be a low single storey building of wooden construction. It would be modest in stature and subservient to the existing dwelling. It would also be of a design and development type that would be typical of a rural location, and it would be in keeping with the surrounding rural landscape. It would not be harmful to the character and appearance of the area in my view.
  6. The proposed garage / annexe building would be taller and more imposing in stature. In particular, it would be higher than the eaves of the existing dwelling and the recent additions to the original barn. Due to its size, height, and position, it would not be subservient to the existing dwelling and would appear overly dominant. In addition, its design would be domestic in appearance, and it would have a disproportionately sized garage door. It would therefore not be sympathetic to either the existing dwelling or the wider area. Whilst the land that the building would occupy is currently used for car parking, this has a lesser impact on the appearance of the area than the proposed garage / annexe building. Furthermore, the recent approvals to extend the original barn are not comparable to the current appeal proposal, as these are single storey subordinate additions to the existing dwelling.
  7. The development would have only limited visibility from public vantage points. However, this does not justify the introduction of harmful new development into the open countryside.
  8. In addition, I do not consider that the proposal would represent urban encroachment into the countryside. The proposed buildings would not be particularly suburban in design, and their combined footprint would not be so extensive as to constitute an urbanisation of the site.
  9. For the above reasons, I conclude that the proposed garage / annexe building would unacceptably harm the character and appearance of the area. It would therefore be contrary to Key Statement EN2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy (2014).
  10. Separately, I conclude that the proposed stable block would not unacceptably harm the character and appearance of the area. It would therefore be in accordance with Key Statement EN2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy (2014).
  11. In coming to that view I have had regard to the appellant's comments regarding the applicability of Policy DMG2. Whilst this policy relates to strategic considerations, it requires that development in the open countryside is of an appropriate size and design, and is in keeping with the character of the landscape. This policy is therefore of direct relevance to the appeal proposal.

### **Conditions**

12. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plan. This is necessary for clarity and to ensure a satisfactory development. The submitted drawings do not specify the details of the materials to be used, including their colour. I have therefore imposed a condition that requires samples of all external facing materials to be submitted and approved. This condition is necessary to protect the character and appearance of the area. I have also imposed a further condition requiring that the stable block is only used for purposes incidental to the dwelling at Field Barn. This is necessary to ensure that the building is not used for commercial purposes, in the interests of residential amenity.

### **Conclusion**

13. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

*Thomas Hatfield*

INSPECTOR

---

# Appeal Decision

Site visit made on 1 November 2016

**by Andrew McGlone BSc MCD MRTPI**

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

**Decision date: 7 November 2016**

---

**Appeal Ref: APP/T2350/W/16/3156153**

**Elms House, 127 Whalley Road, Clitheroe, Lancashire BB7 1HW**

- 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 George Gordon against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2016/0250, dated 9 March 2016, was refused by notice dated 14 June 2016.
  - The development proposed is the change of use to three self-contained one bedroom flats.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. In lodging their appeal the appellant has included plan ref: 6006d. This plan has, as the appellant accepts, not previously been seen by the Council or subject to public consultation. It is the appellant's view that the plan would not disadvantage third parties if the appeal was determined on the basis of this plan<sup>1</sup> and that it would overcome the Council's second reason for refusal.
3. The Council in their statement recognises that plan ref: 6006d provides a satisfactory self-contained storage area for refuse containers. It is on this basis that they withdraw the second reason for refusal<sup>2</sup>; subject to the refuse area being installed before first occupation should the appeal be allowed. As no third parties raised points relating to the second reason for refusal and the proposal is not significantly different, I have no reason to disagree with the Council's assessment on this matter. I have therefore determined the appeal on the basis of the remaining reason for refusal.

## Main Issue

4. The main issue is the effect of the proposed development on the living conditions of future occupiers in the proposed bedrooms in flats 2 and 3, with particular regard to outlook and natural light.

## Reasons

5. The appeal site is sited on the corner of Whalley Road and Park Street. It is two storey in height externally, but the property also has a basement, with

---

<sup>1</sup> PINS Procedural Guide – Planning Appeals – England, 5 August 2016, Annex M

<sup>2</sup> Paragraph 6.5, Council Appeal Statement

---

existing lightwell openings onto Whalley Road and Park Street. Until the 1950s the property was used as a public house. The site mainly contains terraced residential properties of a similar character and appearance, which heavily rely on the use of stone and slate as well as the use of chimneys at regular intervals. Immediately in front of the site is a bus stop whilst Whalley Road and Park Street are both well used for on-street vehicular parking.

6. Flats 2 and 3 propose split living spaces across the ground and basement floors. The area of contention is the effect of the proposed bedrooms being in the basement. Each bedroom would be served by lightwells which are partially above external ground floor level. The lightwells abut the footways of Whalley Road and Park Street respectively. Metal grilles would be installed in order to protect the lightwells and the occupants of the flats.
7. Outlook from both proposed bedrooms would, notwithstanding the use of glazing and light colours, be mainly onto a solid surface that would be beneath pavement level. Both bedrooms would only be served by very narrow slots at the uppermost point of each lightwell to view out onto Whalley Road and Park Street respectively. The occupants would benefit from a direct view onto the pavements adjacent to their rooms. However, it would be an extremely narrow view, with the vast majority being onto a solid wall and onto a metal grille.
8. Even though the occupants may be able to see the sky through the lightwells, this would only be if they stood in or next to the opening itself and peered through the opening, given the very narrow gap above pavement level. Occupants would not be able to see the sky when stood elsewhere in the rooms, especially towards the rear. In any event, in both instances, views are also likely to be obscured by vehicles either parked or passing or by nearby residential properties.
9. Whilst, the appellant compares the proposed outlook to a skylight, I do not concur with that comparison on the basis that skylights provide a much greater ability to view the sky and or across roof tops. These factors do provide for a much better standard of outlook and thus living conditions compared to that which would arise as a consequence of the proposed development. Although the rooms are bedrooms and notwithstanding the lightwell serving the bedroom in flat 2 being the larger of the openings, I do not consider occupants in either bedroom would be able to obtain an adequate standard of outlook.
10. Section drawings and photographs provided by the appellant indicate the extent of light that would enter each bedroom. Nevertheless, the natural light entering each room is diminished, particularly at the rear of the room. The absence of partitions and use of light coloured paints would assist. However, I consider the rooms would feel gloomy and they would create a confined living area for the occupants, especially considering a grille would be installed on each opening. Occupants would also be heavily dependent upon artificial lighting, unlike rooms served by skylights which generally offer uninterrupted sources of natural light that provide for acceptable living standards. Therefore, despite the appellant's contrary view, I also do not consider the bedrooms would be served by an adequate level of natural light.
11. For these reasons, I conclude that the proposed development would significantly affect the living conditions of future occupiers in the proposed bedrooms in flats 2 and 3, with particular regard to outlook and natural light. The proposal would be contrary to Policy DMG1 of the Ribble Valley Core

Strategy 2008 – 2028: A Local Plan for Ribble Valley and paragraph 17 of the National Planning Policy Framework. These policies seek to ensure development proposals provide adequate living conditions for future occupants.

*Other Matter*

12. Residents have concerns with the availability of parking in the area and vehicles blocking the bus stop causing Whalley Road to be blocked. Whilst, I understand the nature of their concerns, the site is located in a sustainable location, in that it is served by a regular bus service. Also, I share the Council's view that the proposal is unlikely generate significant extra demand for parking which would prevent vehicles from using the highway.

**Conclusion**

13. Even though the proposal would increase the choice of homes through the re-use of this building which is close to local facilities and services in the heart of the community, these benefits do not outweigh my findings.
14. For the reasons set out above, I conclude that the appeal should be dismissed.

*Andrew McGlone*

INSPECTOR

---

# Appeal Decision

Site visit made on 1 November 2016

**by Andrew McGlone BSc MCD MRTPI**

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

**Decision date: 8 November 2016**

---

**Appeal Ref: APP/T2350/W/16/3154915**

**The Hey Moo, Mellor Brow, Mellor, Blackburn BB2 7EX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mrs Jennifer Wilkinson against Ribble Valley Borough Council.
  - The application Ref 3/2016/0260, is dated 10 March 2016.
  - The development proposed is a two storey extension and attached garage to the existing dwelling.
- 

## Decision

1. The appeal is allowed and planning permission is granted for a two storey extension and attached garage to the existing dwelling at The Hey Moo, Mellor Brow, Mellor, Blackburn BB2 7EX in accordance with the terms of the application, Ref 3/2016/0260, dated 10 March 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WI/05b Dwg 02 and WI/05b Dwg 05.
  - 3) Notwithstanding the submitted details, precise specifications or samples of all external surfaces shall be submitted to and approved by the local planning authority in writing prior to the construction of the development hereby approved above slab level. The approved materials shall be carried out in accordance with the approved sample details.

## Application for costs

2. An application for costs was made by Mrs Jennifer Wilkinson against Ribble Valley Borough Council. This application is the subject of a separate Decision.

## Preliminary Matters

3. This appeal follows the failure of the Council to determine the application within the prescribed time period. Although the Council did not formally issue a decision or publish a report to its website, the Council have provided a report and a subsequent appeal statement which set out their case. The appellant has provided comments relating to both documents. I have had regard to these submissions in reaching my decision.
-

## **Main Issue**

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

## **Reasons**

### *Character and Appearance*

5. The Hey Moo is a two storey detached dwelling constructed from stone and slate with hardwood timber windows. The property forms part of Elswick Farm which contains a series of residential dwellings that have either been converted from a previous agricultural use or re-built. Access to the site is from Mellor Brow along a private access track. The Hey Moo is set back behind an elongated single storey pitched roof dwelling. Open fields extend to the rear of the appeal site and down into a valley. Mellor Brow is lined by a mixture of terraced, detached and semi-detached dwellings which contribute to a varied scale and form in the local area.
6. The proposed garage would be forward of the front elevation of the host property and adjacent to the flank elevation of the neighbouring residential property. Consequently, the garage would not be visible from any public vantage points. Thus it would only have a bearing on the site's immediate character and appearance. Whilst the garage is of a reasonable size, it would be subordinate and considered in terms of scale. A lean to roof would assimilate well with the straightforward and uncomplicated roof planes that characterise the area. As a result, I do not consider the garage's size or design typify a suburban environment. Moreover, I do not consider that the garage would be a prominent or dominate addition that would detrimentally affect the character and appearance of the property or the area.
7. The proposed rear extension would extend across the full width of the dwelling and it would have a much greater depth than the existing dwelling. Accordingly, the size and bulk of the property would greatly increase, resulting in a significant change to the design of the relatively modest dwelling. Although not a heritage asset, the rear extension would alter and dilute the character of the once farm building and due to the scale of the rear extension, an imbalance would be created between old and new. Thus, the rear extension would not be a proportionate addition that sympathetically responds to the character of its host. The effect of the rear extension's scale on the surrounding area would be limited, especially from public vantage points. However, the flank elevation, would nevertheless be noticeable to the occupants of The Glasshouse and in part from distance on Mellor Brow.
8. The double pitched gable roof form would differ from the host dwelling, but it would remain no higher than the current roof form. Thus, the massing of the extension would be masked when viewed from Mellor Brow, save for the flank elevation which would also be noticeable to the occupants of The Glasshouse. However, only a very limited part of the rear extension would contribute to the areas character and appearance due to the dwelling's siting, the location of nearby properties and public vantage points.
9. Windows in both flank elevations would reflect the general irregular placement that characterises the existing property. Larger openings would be to the rear. However they would not influence the character and appearance of the area. I



- note and share the Council's concerns regarding the use of UPVC windows rather than timber as per the existing property, but that this could be controlled by a condition.
10. Cumulatively, both extensions would alter the character and appearance of the property. Their effect on the wider area is nevertheless limited and the garage would individually, as I have set out above, be acceptable. Despite my reservations around the scale and design of the rear extension, it is central to the appellant's case that a fallback position exists.
  11. The site's planning history, includes two planning permissions of particular relevance. In 2010 permission was granted for a two storey rear extension with second floor accommodation in the roof space together with a front porch extension, all for the benefit of a disabled person.<sup>1</sup> Whilst in 2012 permission was granted to demolish the existing building and erect a replacement dwelling with an annex and change the use of agricultural land to form an extended curtilage.<sup>2</sup> The appellant has provided copies of the approved plans for each.
  12. Whilst the Council consider the adoption of the Ribble Valley Core Strategy 2008 – 2028: A Local Plan for Ribble Valley (Core Strategy) represents a shift in the policy context, it is unclear why. In any event, considerations of how a development relates to the character and appearance of its locality are central to the planning system. Notwithstanding the Council's view, I consider the 2010 and 2012 permissions to be relevant material considerations.
  13. Even though the 2010 permission may have been for a larger and more prominent extension, this permission has now lapsed. It would be a material consideration if the same proposal was re-submitted, however, given it has lapsed, I shall focus my attention on the more recent planning permission.
  14. The Council confirm the 2012 permission was approved on 18<sup>th</sup> December 2012. The Council do not dispute that development began in early December 2015 following the excavation of a trench which was filled with concrete footings. The Council does not also disagree that the works were inspected by the Council's Building Inspector or that it constituted a material operation in accordance with S56(4)(b) of the Town and Country Planning Act 1990 (as amended). Whilst the 2012 permission has not been built out or advanced beyond the works described, it appears, based on the evidence before me that this permission remains extant and fully capable of being finished.
  15. The appeal scheme is an alternative to the 2012 scheme which is said to be much larger than the appellant's current requirements. I have no reason to question this or reason to suppose that there would be no reasonable prospect of it actually being carried out. Given the position of the rear extension and the replacement dwelling only one scheme could be carried out.
  16. In comparison, the 2012 scheme would be substantially taller at ridge and eaves height. Also, it would be set further back and away from the former farmstead unlike the appeal scheme. The extended house would not be as wide and the massing of the appeal scheme would be much less. Although the proposed garage would mean the total depth of the extended dwelling would be greater, the overall footprint would be less than the replacement dwelling.

---

<sup>1</sup> Council Application Ref: 3/2010/0416

<sup>2</sup> Council Application Ref: 3/2012/0715

More importantly, the appeal scheme would still maintain some of the original character and appearance of the building, unlike the replacement dwelling which would be entirely new and notwithstanding its own design merits, not reflect the site's history. On this basis, I consider the appeal scheme would be less harmful than the 2012 scheme. Given my findings regarding the rear extension, I consider this to represent a genuine fallback position that is of a sufficient justification to outweigh my concerns.

17. For these reasons, I conclude that the proposed development would comply with Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy 2008 – 2028: A Local Plan for Ribble Valley and paragraph 17 of the National Planning Policy Framework. These policies, amongst other things, seek to ensure development is of a high standard of design that reflects the local townscape through the use of appropriate scale, massing, materials and form.

#### *Other Matters*

18. Notably, the parties extended the application's prescribed time period with a view to finding a solution and the Council prepared two alternative schemes. Despite their merit and time taken by the Council, the appellant was entitled to ask for the application to be determined on the basis of their proposal.
19. Although points are made concerning the use of a nearby building and parcel of land, these are outside of the site edged red and are not the subject of this appeal. Also, planning is concerned with land use in the public interest, whereas the impact of the development on the value of the appeal site is a purely private interest.
20. Whilst I understand the site and its surroundings have changed over time and the Parish Council and residents may wish to see a masterplan come forward, I have determined this appeal with regard to the development plan and any relevant material considerations. Any future applications or appeals would also be determined in this manner.

#### **Conclusion and Conditions**

21. I have regard to the conditions suggested by the Council and the appellant's comments. I have imposed a condition specifying the approved plans as this provides certainty. A condition is necessary relating to material samples to ensure the development harmonises with the site's character and appearance. Conditions relating to the use of the garage and bats are not necessary.
22. Even though the economic benefits of the proposal may not be significant, the proposal would offer employment and expenditure on construction materials, thus contributing to local sustainable economic growth. The proposal would also deliver social benefits in the form of an enhanced dwelling suitable for future generations. In environmental terms, the appeal scheme would be a better alternative than the 2012 scheme, due to its siting and the use of the existing dwelling which would not be demolished.
23. For the reasons set out above, I conclude that the appeal should succeed.

*Andrew McGlone*

INSPECTOR

---

## Costs Decision

Site visit made on 1 November 2016

by **Andrew McGlone BSc MCD MRTPI**

**Decision date: 8 November 2016**

---

### **Costs application in relation to Appeal Ref: APP/T2350/W/16/3154915 The Hey Moo, Mellor Brow, Mellor, Blackburn BB2 7EX**

- 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 Mrs Jennifer Wilkinson for a full award of costs against Ribble Valley Borough Council.
  - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a proposed two storey extension and attached garage to existing dwelling.
- 

### **Decision**

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

### **Reasons**

2. 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 nub of the appellant's case is that the Council has behaved unreasonably, by failing to identify harm and what causes that harm, as well as failing to take into account the extant 2012 permission and determine the application.
  4. Although the Council do not consider sufficient time and opportunity was given by the appellant to enable the application to be determined, I am mindful of the mutual agreement between the parties to extend the original prescribed time period. This was agreed on no less than three occasions and a meeting took place between the parties. I also note the Council suggested two alternative schemes with a view to resolving their concerns. It is clear to me that the parties tried to find an amicable solution.
  5. The Council has embodied the spirit advocated in paragraphs 186 and 187 of the National Planning Policy Framework in terms of not refusing the application outright. Nevertheless, the appellant was not bound to accept either of the alternative schemes. Instead clear direction was given by the appellant on 13<sup>th</sup> July 2016 that they wished for a determination to be made on their proposed scheme. However, the Council did not subsequently act or follow through their concerns and determine the application given the appellant's position.
  6. Even if the Officer Report was prepared on the 14<sup>th</sup> July 2016, this progress did not lead to a formal determination of the application. Sufficient opportunity remained within the week between 13<sup>th</sup> and 20<sup>th</sup> July 2016 for a decision to be
-

issued. It should not have come as a surprise that the appellant lodged an appeal against non-determination, given the amount of time that had lapsed since the application was made in March 2016. Given the dialogue between the parties, the issues ought to have been clear to the Council at this point. Nevertheless, as the appellant rightly points out, costs may not be awarded in respect of behaviour during the course of the application. However, I do consider the Council's actions to set the tone.

7. Whilst, I shared some of the Council's concerns regarding the rear extension, fundamentally the Council did not take into account either planning permission from 2010 or 2012. Even though the Council accepted they were mindful of both permissions, no detailed evidence has been submitted to counter the appellant's point raised in emails on 11<sup>th</sup> April 2016<sup>1</sup> and 13<sup>th</sup> July 2016.<sup>2</sup>
8. Regardless of the development plan changing in-between time, the Council has failed to set out why the resultant changes to the policy render these decisions irrelevant, especially given the underlying theme of good design that runs through the planning system. Whilst they may not have set a precedent, equally, the Council did not substantiate clear reasons why it would not do so.
9. I share the appellant's view that both permissions were clear material considerations to the application and the appeal. The 2012 scheme is of particular relevance, and has turned the outcome of the rear extension in the appellant's favour. Had the Council properly considered the appellant's case, it may very well have led to a very different outcome.
10. In conclusion, I find that the appellant has been put to unnecessary expense as a consequence of the Council's unreasonable behaviour. This stems from preventing development that should have been permitted and the failure to substantiate the reasons for refusal.

### **Costs Order**

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Ribble Valley Borough Council shall pay to Mrs Jennifer Wilkinson, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Ribble Valley Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*Andrew McGlone*

INSPECTOR

---

<sup>1</sup> Council Appeal Statement, Appendix, A, Photo 1

<sup>2</sup> Council Appeal Statement, Appendix, A, Photo 11

---

# Appeal Decision

Site visit made on 16 November 2016

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

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

**Decision date: 21 November 2016**

---

**Appeal Ref: APP/T2350/W/16/3155091**

**The Pippins, 248 Preston Road, Longridge, Lancashire PR3 3BD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr David Bolton against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2016/0195, dated 14 January 2016, was refused by notice dated 6 June 2016.
  - The development proposed is an application for outline planning permission for one detached dwelling with integral garage and a new detached garage to the front of the existing property.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. It is not clear whether the outline planning application form includes a request to consider appearance as well as access details. However, the Council's officer report states that the application was made in outline with access and in the appellant's appeal statement he states that this is correct. I have therefore determined this appeal on the basis of being an outline proposal with access. Indicative layout details accompany the planning application, as well as a "planning, design and access statement". I have had regard to this information as part of the determination of this appeal, but recognise that as layout and appearance details are not being applied for it is necessary for me to consider the principle of development on all parts of the appeal site.
3. I have used the description of development from the Council's refusal notice and not from the planning application form. This is because it more accurately describes the appeal proposal in the context of the address of the appeal site.

## Main Issue

4. The main issue is whether or not the proposal would constitute a sustainable form of development having regard to policies in the adopted Ribble Valley Borough Council Core Strategy 2008-2028 "A Local Plan for Ribble Valley" 2014 and the National Planning Policy Framework.

## **Reasons**

### *Site and proposal*

5. The appeal site comprises part of a rear and front garden associated with a detached bungalow (The Pippins, 248 Preston Road). The rear garden can be reached from an existing access drive to the side of The Pippins. The site falls within land defined as countryside in the adopted Ribble Valley Borough Council Core Strategy 2008-2028 "A Local Plan for Ribble Valley" 2014 CS) and is about half a mile from the defined edge of the settlement known as Longridge. In the immediate area the properties are mainly residential, although there are some commercial properties including a restaurant.
6. It is proposed to erect a detached dwelling with integral garage in part of the rear garden of The Pippins. Whilst scale and appearance would be considered at reserved matter stage, the appellant's planning, design and access statement indicates that the dwelling would have a similar appearance to the two storey and stone built detached dwelling at No 250 Preston Road: the indicative plans suggest that the property would be approximately 7.5 metres high. The drive to west of The Pippins would be shared between the host dwelling and the appeal property. Immediately fronting Preston Road, and within the front garden area of The Pippins, it is proposed to erect a garage. The indicative plan suggests that this would be about 4.8 metres high.

### *Sustainability – proposed garage*

7. The indicative plan shows that the proposed garage would be positioned to the front of The Pippins and would be forward of the building line of the dwellings on this part of Preston Road. On my site visit, I was able to see that there was already a wooden building (this looked like a garage) and a concrete pillar box in the front garden set immediately behind existing trees/vegetation which front Preston Road. Given the existing vegetation, and the scale of the buildings, they are not prominent or conspicuous in the street-scene.
8. Given the existing development in the front garden of the host dwelling, it may be possible to erect a small garage in this area without it causing harm to the character and appearance of the area. However, I am not certain whether the appellant is proposing to demolish the two existing buildings. This is not included in the description of development and the application is made in outline with layout and appearance details reserved for a subsequent reserved matters application. The location plan includes a large red edge and so I need to consider the potential for erecting a garage in any part of it. I consider that the possible retention of the existing buildings, coupled with the erection of a garage, would likely cause harm to the character and appearance of the area. Part of the front garden is visible during the autumn/winter months from Preston Road (as vegetation is deciduous), and the erection of a number of buildings/structures in this area would likely have a dominating impact and appear incongruous within its setting.
9. Whilst it may be possible to erect a garage which would be similar in scale and location to the existing wooden building / concrete pillar box, I would need more information from the appellant about whether or not the existing buildings would be demolished to make way for such development. In some respects, this is the sort of outline application where it would be necessary, at

this stage, to apply for specific detailed matters such layout and scale. Furthermore, the existing buildings, which are close to the highway and forward of the host dwelling building line, are only acceptable because of the screening effect of the trees/vegetation. I do not have enough information from the appellant to establish whether or not a garage could be erected in a similar position without it causing harm to the existing vegetation. I therefore do not consider that I have enough information to determine whether or not a garage in the front garden would be acceptable in land use principle terms.

10. Notwithstanding the above, I am mindful that the appellant has submitted only indicative plans and that layout details would be considered at reserved matters stage. The red edged planning application site includes the rear garden area of The Pippins as well as the front garden. It may, in principle, be possible to erect a very small garage immediately to the rear / side of The Pippins, but I do not have any indicative or detailed information (for example scale / layout details) before me to allow me to assess such a proposal fully.
11. For above reasons, I conclude that I have insufficient information relating to whether or not the erection of a garage to the front (or rear) of The Pippins would, in principle, cause harm to the character and appearance of the area. Therefore, the proposal would not accord with the design aims of Policies DMG1 and DMG2 of the CS. As this aspect of the proposal would therefore be unacceptable in environmental terms, it would not therefore amount to a sustainable form of development having regard to paragraph 7 of the National Planning Policy Framework (the Framework).

#### *Sustainability – proposed dwelling*

12. The appeal site falls within land defined as countryside in the CS. It is about half a mile from the edge of the defined settlement of Longridge. Key Statement DS1 of the CS states that the majority of new housing development will be concentrated within a strategic site to the south of Clitheroe towards the A59 and "*the principal settlements of Clitheroe, Longridge and Whalley*". Key Statement DS1 of the CS then states that development will then be focussed in the defined Tier 1 villages. In respect of the defined Tier 2 villages (which are less sustainable) development will need to meet proven local needs or deliver regeneration benefits. The appeal site does not fall with any of the defined principal settlements or defined villages. Consequently, the proposal does not accord with the development strategy for the Borough as outlined in Key Statement DS1 of the CS. This weighs against allowing the proposal.
13. As the site falls within land defined as countryside, the appeal should also be considered against Policy DMH3 of the CS. This policy permits a number of developments in the countryside including residential conversions, residential development which meets an identified local need or the re-building / replacement of an existing dwelling. The proposal is not for a local need and does not fall within any of the permitted development categories in Policy DMH3 of the CS. This also weighs against allowing the proposal.
14. Notwithstanding the above identified conflicts with policy, Key Statement DS2 states that "*when considering development proposals the Council will take a positive approach that reflects the presumption in favour of development contained within the National Planning Policy Framework*". Therefore, and in order to consider sustainability issues in the round, consideration must also be

- given to all three mutually dependent dimensions of sustainability in paragraph 7 of the Framework; namely the economic, social and environmental roles.
15. In respect of environmental sustainability, the proposed dwelling would be located about half a mile from the edge of Longridge. I don't doubt that a number of journeys would be undertaken using the private motor vehicle. However, a number of day to day facilities and services could be reached on foot with relative ease. There are footpaths on Preston Road which are relatively wide and lit and connect the appeal site to the principal settlement of Longridge. Consequently, I do not share the Council's view that the appeal site would be inaccessible to services and facilities, or that the proposal would lead to significant reliance on the private motor vehicle. This weighs in favour of the proposal.
  16. However, and notwithstanding the above, I do consider that the erection of a dwelling in this countryside location would lead to environmental harm in terms of its adverse effect upon the character and appearance of the countryside. The development along Preston Road is essentially linear in form and the land to the rear (including gardens) is more open and green. A number of the dwellings along this part of Preston Road have large gardens stretching some way to the field boundary. The erection of a dwelling in the rear garden of The Pippins would detract from the aforementioned distinctive character to an unacceptable degree. Paragraph 17 of the Framework says that planning should recognise the intrinsic character and beauty of the countryside. The erection of a dwelling would lead to encroachment into the countryside. In this case, I consider that the erosion of the character and appearance of this part of the countryside would be significant.
  17. I accept that this is an outline proposal and that the erection of a dwelling to the rear of The Pippins is indicative. However, the erection of a dwelling in the front garden of The Pippins would appear materially out of place in the street-scene, and I doubt that such a dwelling could be erected in such a position without harm being caused to the living conditions of the occupiers of The Pippins.
  18. In addition to the above, the erection of a dwelling in this location would run counter to Policy DMG2 of the CS which states that "*development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 villages should consolidate, expand or round off development so that it is closely related to the main built up areas, ensuring that this is appropriate to the scale of, and in-keeping with, the existing settlement*". The proposed dwelling would not be closely related to Longridge and given the distance of the site from the defined settlement boundary, it could not reasonably be argued that it would relate to a consolidation, expansion or rounding off.
  19. In economic terms, the occupiers of the dwelling would spend some money in the local area, but the contribution from the occupiers of one dwelling would be limited. The construction of a house would provide some construction employment, although this would be relatively short lived. I do not have any information about the Council's five year land supply position. However, and notwithstanding such a position, the contribution of one dwelling to the supply of housing sites would be very limited.
  20. I have considered the proposal against paragraph 55 of the Framework. Whilst the proposed dwelling would not be particularly remote from day to day



services and facilities, I do not consider that a dwelling on the appeal site would reflect the pattern and position of development along Preston Road. In essence the proposed dwelling would appear out of place and isolated from the more linear pattern of development along Preston Road. Furthermore, I do not consider that one dwelling in this location would make a significant contribution towards enhancing or maintaining the vitality of rural communities. I therefore conclude that the proposal would lead to the erection of an isolated dwelling in the countryside and that it would not meet any of the identified special circumstances outlined in Paragraph 55.

21. In conclusion, the proposed dwelling would be located in the countryside and would not accord with the development strategy for the Borough, as outlined in the CS. Whilst the site would not be particularly remote from day to day services and facilities in terms of walking (and hence I consider that the proposal accords with the transport aims of Policy DMG3 of the CS), in principle significant harm would be caused to the intrinsic character and beauty of the countryside as a result of erection of a dwelling on the appeal site. Whilst the erection of a dwelling would deliver some social and economic benefits, these would be limited and to some extent short lived. On balance, the identified environmental harm to the character and appearance of the countryside, and conflict with the Council's development strategy for the Borough, are overriding concerns. I therefore conclude that the proposed dwelling would not amount to a sustainable form of development and would not accord with Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the CS and the Framework.

### **Other Matters**

22. I have taken into account the fact the appellant would like a new home from an "upsizing" point of view and that the existing property would be occupied by his mother who would like to "downsize". I also recognise that as the appellant owns the land, it is likely that it would be more cost effective to build a new home on this site rather than buying an existing property elsewhere in the locality. However, these are not matters which are of sufficient weight to override my conclusions reached on the main issue.
23. I have considered the appellants reference to planning applications for other dwellings in the countryside which have been considered by the Council. However, I have no reason to doubt what the Council says about these developments being approved prior to the adoption of the CS (and one was refused). Furthermore, and, in any event, I have determined this appeal on its individual planning merits.
24. I have considered the Council's third reason for refusal that relates to the creation of a precedent should the appeal be allowed. I have considered this appeal on its individual planning merits and, in any event, as I have concluded that the appeal should be dismissed it has not been necessary for me to consider this matter any further.

**Conclusions**

25. For the reasons outlined above, and taking into account all other matters raised, I conclude that in principle the proposal would not deliver sustainable development. Therefore, the appeal is dismissed.

*Daniel Hartley*

INSPECTOR

---

## Costs Decision

Site visit made on 6 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: 30 November 2016**

---

**Costs application in relation to Appeal Ref: APP/T2350/W/15/3064545  
Land Adjacent to Clitheroe Road, West Bradford, Clitheroe, Lancashire BB7  
4SH**

- 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 Mrs V Middleton.
  - The appeal was against the refusal of planning permission for 11 no. residential units.
- 

### Decision

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

### Reasons

2. The Planning Practice Guidance 2014 (as amended) (PPG) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour can either be procedural, relating to the process of an appeal or substantive, relating to the merits of any issues arising from an appeal.
3. The application for costs was made by the Council with reference to a refusal to grant permission for the construction of 11 no. residential units in open countryside beyond the settlement limit of West Bradford. The Council believes that Mrs Middleton acted unreasonably because the development was not in accordance with the development plan and no material considerations were advanced to indicate that a different decision should have been reached. It also believes that inadequate supporting evidence was supplied at appeal. Taken together these perceived failings risk an award of costs on substantive grounds.
4. I note that the planning application was dated 25 July 2014 and that a refusal for outline planning permission was issued on 4 December 2014. I also note that an emerging plan<sup>1</sup> was adopted shortly after on 16 December 2014 and that the appeal against the Council's decision was dated 2 June 2015. When the Council issued its decision another development plan was extant<sup>2</sup> which ceased to have statutory force on the 16 December 2014. As set out in my decision, the emerging plan consequently carried significant weight and the

---

<sup>1</sup> Ribble Valley Borough Council Core Strategy 2008-2028: A Local Plan for Ribble Valley 2014

<sup>2</sup> Ribble Valley Districtwide Local Plan 1998

---

Council determined the application according to planning law, clearly indicating how the proposal conflicted with both the extant and the emerging plan.

5. The PPG advises that all applicants should give consideration to the merits of their case and whether there are strong grounds to contest the reasons for refusal of permission before submitting an appeal. Consequently, the grounds of appeal must directly relate to the reasons for refusal, as set out in the Council's decision notice. Planning law<sup>3</sup> requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, as is also the case with planning appeals.
6. I note from the evidence before me that Mrs Middleton failed to consider the relevant policies but instead chose to focus primarily on the pre-application advice that was received and a misapprehension that the original application had not been determined correctly which was clearly not the case. As set out in my decision, the materiality of any informal, pre-application advice was limited and the Council was entitled to reach a different decision. Neither the grounds of appeal nor the final appeal statement made any consistent attempt to demonstrate how specific material considerations outweighed the specific policy conflicts that were clearly present.
7. I accept that Mrs Middleton highlighted the affordable housing benefits of the scheme but no attempt was then made to indicate how this benefit specifically outweighed the harm that would be caused, as set out in the Council's reasons for refusal. Moreover, no specific arguments were advanced to establish why this benefit, or indeed any other benefits, would justify the development of the site as an exception to the newly-adopted development plan policies. I acknowledge the sense of unfairness, delay in validation and the perceived inconsistency between the advice that was received and the final outcome of the application. However, these are not matters that were directly relevant to the underlying reasons for refusal. As such, inadequate supporting evidence was submitted.
8. Given the above, I conclude that unreasonable behaviour resulting in unnecessary expense has been demonstrated and that a full award of costs is therefore justified.

### **Costs Order**

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mrs V Middleton shall pay to Ribble Valley Borough Council, the costs of the appeal proceedings described in the heading of this decision.
10. The applicant is now invited to submit to Mrs V Middleton, 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.

*Roger Catchpole*

INSPECTOR

---

<sup>3</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended)