
Appeal Decision

Site visit made on 10 April 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 5th May 2017

Appeal Ref: APP/T2350/W/16/3164118

30 Barker Lane, Blackburn BB2 7ED

- 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 Lee Wallbank against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0346, dated 13 April 2016, was refused by notice dated 16 June 2016.
 - The development proposed is the erection of two detached houses following demolition of existing house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached houses following demolition of existing house at 30 Barker Lane, Blackburn BB2 7ED in accordance with the terms of the application, Ref 3/2016/0346, dated 13 April 2016, subject to the condition contained within the schedule to this decision.

Application for costs

2. An application for costs was made by Ribble Valley Borough Council against Mr Lee Wallbank. In addition, an application for costs was made by Mr Lee Wallbank against Ribble Valley Borough Council. These applications are the subject of separate Decisions.

Main Issues

3. The main issues in this appeal are as follows:
 - Whether the development would be inappropriate development in the Green Belt;
 - The effect of the development on the openness and character of the Green Belt;
 - Whether the development would accord with the Council's housing strategy; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

4. The appeal site lies within the Green Belt. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the essential characteristics of Green Belts are their permanence and openness. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. However, there are exceptions to this presumption against development in the Green Belt, including *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan*.
5. The proposal would involve the demolition of the existing dwelling and its replacement with two dwellings. The Council argue that as the existing dwelling would be demolished, it cannot be considered as infilling as it would be a rebuild. However, I do not agree with this view. There are dwellings either side of the appeal site and therefore if the existing dwelling was to be demolished, the site would still be an infill plot. The Framework does not preclude demolition in terms of infill. The key word that should placate the Council's concern that it would allow single dwellings to be replaced by multiple units is 'limited'. Furthermore, each case is to be accessed on its own merits, taking account of the overall area. In this instance, I am satisfied that the proposal would be limited infilling.
6. I have had regard to the appellant's contention that the site should be defined as within the urban boundary of Blackburn. Section 38(6) of the *Planning and Compulsory Purchase Act 2004*, requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. For the purposes of the development plan, the appeal site falls outside any defined settlement.
7. Although there is no definition of limited infilling or villages in the Framework, the Council confirm that villages are defined in the Ribble Valley Borough Council Core Strategy (CS) 2008 – 2028 as *'the smaller settlements within the borough and for the purposes of this study, this relates to all settlements in the borough excluding Clitheroe, Longridge and Wilpshire'*. Whilst the CS also defines defined settlements, there is no evidence that the appeal site falls within a defined settlement as identified in the CS. Notwithstanding the appeal sites proximity to Blackburn, it does not fall within a defined settlement within the Borough.
8. Nevertheless, the Court of Appeal judgment *Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council [2015]* determined that the 'village' in paragraph 89 of the Framework need not be the same as the settlement boundary, depending on the situation 'on the ground'. In that case the Inspector had described a site that was surrounded on all sides by housing, but was not within the settlement boundary. The Court found that he had misdirected himself in concluding that the site did not lie in a village but outside the boundary.
9. The appeal site comprises a detached bungalow set within extensive grounds. The property forms part of a linear development that straddles either side of Barker Lane extending off the A6119 to the south, on the other side of which is the large urban settlement of Blackburn. The southern section of this linear

development is generally of a tighter form, similar to that on the opposite side of the A6119. The northern section, within which the appeal site is located, comprises properties that are generally larger in size, set back from the road and set within large gardens. Nevertheless, there is a clear continuation of the built form from the junction of Barker Lane and the A6119. Whilst this is intersected by the administrative boundary between Ribbles Valley Borough Council and Blackburn and Darwen Council, on the ground this is only identifiable by way of a sign.

10. Therefore, notwithstanding the sites allocation within the development plan I find that it forms part of a continuation of the settlement of Blackburn. I note that the exception in paragraph 89, bullet 5 refers to villages. Whilst Blackburn is larger than a village, given the unusual circumstances of the appeal site in that it forms part of a built-form that straddles the administrative boundary between two local planning authorities, I find that it is acceptable to consider it falling within a village for the purposes of paragraph 89 of the Framework.
11. I find therefore that the proposal satisfies the exception set out in paragraph 89, bullet five of the Framework and therefore is not considered to be inappropriate development in the Green Belt. As such, it complies with policy EN1 of the CS, which seeks to protect the Green Belt from inappropriate development.

Openness and character

12. The Framework states that the essential characteristics of Green Belt are their openness and their permanence. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
13. The replacement of the existing single storey dwelling with two, two-storey dwellings would inevitably have some effect on the openness of the Green Belt. However, I have concluded that it would represent limited infilling in a village which is an accepted exception in the Framework. Accordingly the effect on openness would not be so significant that it would cause any material harm to this part of the Green Belt.
14. In terms of the effect on the character and appearance of the area, the dwellings would follow the established building lines of properties on this side of Barker Lane. Although large, the dwellings would be sympathetic to the surrounding properties, which themselves are diverse in terms of their size and design. Whilst the proposal will have a greater effect on the area than the existing dwelling, in that they would be larger than the existing dwelling and would be more prominent in the streetscene, I am satisfied that their appropriate size and design would not have any significantly harmful effect on the character or appearance of the area. As such, it would comply with Policies EN2 and DMG2 of the CS, which, amongst other matters, seeks to ensure that new development is in keeping with the character of the landscape and is of a high standard of building design.

Housing Strategy

15. The glossary of the CS provides a definition of open countryside, which defines it as '*a designation currently defined within the proposals map of the RV Districtwide Plan mainly of land outside Settlement Areas but not*

designated Greenbelt or AONB'. The Council argues that this definition allows land to be designated as both open countryside and Green Belt. However, that is not how the definition is read. It clearly states that open countryside is land that is outside Settlement Areas but not designated Green Belt. If it were to mean land outside settlement boundaries then it would not need to make any reference to the Green Belt or AONB.

16. I note that the proposal map referred to me by the Council identifies the site falling within an area defined as EN1 (Green Belt) and EN2 (Open Countryside) and as such there is some conflict between the LP and the proposals map. However, the proposal map appears to be part of the Emerging Housing and Economic Development DPD. As I understand, the Council is currently reviewing settlement boundaries as part of the DPD. However, given that the revised boundaries have not been adopted and, as indicated by the appellant, there are outstanding objections to them, I attribute limited weight to the DPD and the proposal map. Given that the CS is adopted I attribute it substantial weight.
17. In light of the above, as the appeal site is located within the Green Belt, it cannot be also designated as open countryside for the purposes of the development plan. I note that Inspectors in previous appeals have considered sites to fall within both the open countryside and the Green Belt. However, as the Council admit, this argument has not been raised before.
18. Policies DS1 and DMG2 of the LP sets out the Council's strategic aim of focusing development towards the principal settlements and Tier 1 villages. In Tier 2 villages and outside the defined settlement areas development must meet at least one of a list of requirements. The proposal would not comply with any of these requirements. However, Policy EN1 of the LP allows development in the Green Belt providing it is not inappropriate, whilst it does not explicitly state what inappropriate development is, the Framework does.
19. Therefore, whilst the proposal would not strictly accord with Policies DS1 and DMG2 of the LP, it would comply with EN1 of the LP and paragraph 89 of the Framework.
20. The Council also refer to Policy DMH3 of the CS. However, as I have found that the site is not within the open countryside as defined in the CS, this policy is not relevant.

Other Matters

21. I have had regard to the concerns raised regarding the effect of the development on the living conditions of the occupants of the neighbouring residential property, No 28 Barker Lane, with regard to loss of light and outlook. However, I am satisfied that there would be sufficient distance between the properties to ensure that there would not be any adverse effects with regard to these matters.
22. I have also had regard to the effect of the driveway on highway safety. Whilst it would be closer to that of No 28, there is sufficient visibility in both directions from both driveways. The only likely occurrence when visibility would be restricted is when cars are exiting the two sites at the same time. However, such occurrences are likely to be infrequent and in any event I am satisfied

that it would not represent a severe risk to highway safety. Furthermore, the proposal would provide adequate off-street parking and during my site visit I observed that neighbouring properties also have adequate parking provision. Therefore, the proposal would not result in any significant increase in on-street parking to the detriment of highway safety.

23. I have had regard to the previous appeals¹ referred to me by the Council. However, based on the evidence before me, none of these schemes related to a site that formed part of a larger settlement, albeit not one defined in the LP. In particular, the site at Broadhead Farm was far detached from any surrounding built form. Accordingly, I find that these schemes are not directly comparable to the proposal before me and as such I attribute them only limited weight.
24. I acknowledge the Council's concern that in allowing the proposal it would set a precedent and that they would find it difficult to resist other similar development. I have not been presented with any directly similar or comparable sites to which this might apply. Each application and appeal must be determined on its own merits, and a generalised concern of this nature does not justify withholding permission in this case.

Conditions

25. I have had regard to the various conditions that have been suggested by the Council. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
26. In the interests of the character and appearance of the area conditions are appropriate regarding materials, boundary treatment, landscaping, the protection of existing trees and external lighting.
27. In the interests of highway safety, conditions regarding parking spaces and manoeuvring areas are necessary.
28. In the interests of protecting birds and bats conditions are required regarding the provision of bird and bat boxes.
29. To safeguard the living conditions of neighbouring residents conditions are necessary regarding hours of operation, balcony screening, obscure glazing and the submission of a Construction Method Statement.
30. I do not, however, find there to be exceptional circumstances that would justify the removal of permitted development rights.
31. I have had regard to the Council's concern that the driveway could affect the root protection zone of nearby trees and the appellant's rebuttal that conditions regarding surface materials or digging processes could adequately deal with this. I am satisfied that such concerns can be addressed by way of a landscaping condition as I have imposed.
32. It is essential that the requirements of conditions 8, 13 and 15 are agreed prior to the development commencing to ensure an acceptable form of development in respect of safeguarding protected species, preserving the character and appearance of the area and residential amenity.

¹ Appeal Refs APP/T2350/W/16/3153754, APP/T2350/W/16/3064545 and APP/T2350/W/16/3150944

Conclusion

33. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR

SCHEDULE OF 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: Site Location Plan, 15.125 03 A, 15.125 04 B, 15.125 05 A and 15.125 06 A.
- 3) No construction works shall commence until samples of the materials to be used in the construction of the external surfaces of the dwellings 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 construction works shall commence until details at a scale of not less than 1:20 of the proposed boundary walling, gates and fencing have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No construction works shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include all hard surfaced areas, including the proposed surface treatment and car parking spaces and manoeuvring areas, and the type, species, siting, planting distances and programme of planting of any trees and shrubs. The scheme shall also indicate and specify all existing trees on the land which shall be retained in their entirety, unless otherwise agreed in writing by the local planning authority, together with measures for their protection in the course of development. The development shall be carried out in accordance with the approved details.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of three years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The car parking spaces and manoeuvring areas agreed under the approval of condition 5 of this decision notice shall be made available for use prior to the first occupation of either dwellinghouse hereby permitted, and shall be permanently maintained thereafter clear of any obstruction to their designated purpose.

- 8) No development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the local planning authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of the numbers of artificial bird nesting boxes and artificial bat roosting sites. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated. The approved artificial bird/bat boxes shall be incorporated into the dwellings during the actual construction phase before the dwelling is first brought into use and retained thereafter.
- 9) No demolition, building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.
- 10) No construction works shall commence until details of the foul drainage scheme have been submitted to and approved in writing by the local planning authority. Foul and surface water shall be drained on separate systems. The dwelling shall not be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. The development shall be completed, maintained and managed in accordance with the approved details.
- 11) Prior to the first occupation of the hereby approved dwellings, all terrace/balcony areas to the rear of both dwellings shall be fitted with a minimum 1.7m high opaque or obscure glazed privacy screens along both side elevations in accordance with details to be submitted to and approved in writing by the local planning authority. The approved screens shall be retained at all times thereafter.
- 12) Prior to the first occupation of the hereby approved dwellings, all ground and first floor windows in the side elevations of Plot 1 and the south elevation of Plot 2 shall all be fitted with obscure glazing (which shall have an obscurity rating of not less than 4 on the Pilkington glass obscurity rating or equivalent scale) and shall be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be retained as such in perpetuity.
- 13) No development shall take place until all the existing trees within, or directly adjacent, to the site (except those shown to be removed on the approved plans), have been enclosed with temporary protective fencing in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.
- 14) Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to its installation. Only the approved lighting shall be installed.

- 15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- Timing of delivery of all off site highway works
 - The parking of vehicles of site operatives and visitors
 - The loading and unloading of plant and materials
 - The storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding
 - Wheel washing facilities and road sweeper
 - Details of working hours
 - Contact details for the site manager
 - Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
 - Routes to be used by vehicles carrying plant and materials to and from the site
 - Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Appeal Decision

Site visit made on 9 May 2017

by **Andrew McGlone BSc MCD MRTPI**

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

Decision date: 12 May 2017

Appeal Ref: APP/T2350/D/17/3171655
132 Ribchester Road, Clayton Le Dale 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 Paul Bowie against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/1152, dated 6 December 2016, was refused by notice dated 27 February 2017.
 - The development proposed is a single storey rear extension and dormer conversion to a det. House.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Despite the description of development set out above, I consider the description found on the decision notice and the appellant's appeal form better reflect the scheme that is before me and that which the Council considered. My findings therefore relate to this description of development.

Main Issue

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

Reasons

4. The property is a detached bungalow positioned among a cluster of properties on the north-eastern side of Ribchester Road. The cluster includes 126 to 138 Ribchester Road and the two properties that face the site, which are 145 and 147 Ribchester Road. Each of the dwellings in this cluster is set back from the road and within spacious grounds. They are all either dormer bungalows or bungalows. Some have been sympathetically extended. Red brick and render are used on the front elevation of the appeal site, with a tile roof.
 5. The proposal would raise the existing ridge height of the property broadly in line the semi-detached pairing of Nos 134 and 136. This would be slightly above No 130. Consequently there would be a very gradual increase in the ridge heights. Despite concerns about the extent of the front roof plane, the eaves line would remain unchanged and I am not convinced that on its own the roof plane would be entirely out of kilter in a street scene which displays some variety in this regard.
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6. However the two storey front gable would be the main feature in this elevation. In my opinion this would emphasise the height of the front roof plane and introduce an uncommon characteristic to the cluster of dwellings. The gable would also differ to the existing hipped roof above the front bedroom window. Unlike dwellings nearby this aspect of the proposal would form a bulky pitched roof gable at the front. As a result, in combination with the various roof pitches, this would not be cohesive, especially when viewed on approach from the east. They would not reflect either the host property or neighbouring properties which each use consistent roof styles and roof pitches.
7. I understand the two storey front extension to be a key feature of the appellant's scheme and I note that it would create additional bedroom space at first floor. However, despite some variation in the design of properties locally, this aspect of the scheme would not be subservient and it would dominate the front elevation. While I have been referred to an example of a two storey front extension at 157 Ribchester Road 'Greenacre', this property is a fair distance away. It is also among a street scene of two storey detached dwellings that are separated from the cluster of properties which includes the appeal site. I do not consider that the two sites are set within the same context. I therefore attach little weight to this example.
8. Although concerns have been raised about the use of brick and render, the existing dwelling and others nearby already use this combination. As such, I have no such issues with the use of these materials. Furthermore, I do not have concerns that the rear extension, which includes wide-ranging alterations to the existing built form to the rear, would adversely affect the character and appearance of the area. However these matters do not outweigh the harm that I have identified.
9. For these reasons, I conclude that the proposal would significantly affect the character and appearance of the area. The proposal would not accord with Policies DMG1 and DMH5 of the Ribble Valley Borough Council Core Strategy 2008 – 2028 A Local Plan for Ribble Valley; which together seek, among other things, development to be of a high standard of design that considers the building in context and is sympathetic in scale and style.

Other Matter

10. I note the findings of the bat survey that forms part of the evidence. This survey noted the presence of bat droppings within the dwelling's roof space and the need for at least one further survey at dusk or dawn. There are no subsequent surveys before me to take account of. Given the survey's findings, I consider that there is a reasonable likelihood of protected species being present at or near to the appeal site. However, the presence of bats is not a decisive factor in the outcome of this appeal due to my findings and further survey work cannot be conditioned in these circumstances anyway.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

Appeal Decisions

Site visit made on 25 April 2017

by Sarah Colebourne MA, MRTPI

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

Decision date: 15th May 2017

Appeal A Ref: APP/T2350/W/16/3160568

Greengore Farm, Hill Lane, Hurst Green, Clitheroe, BB7 9QT

- 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 and Mrs Annable against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0369, dated 19 April 2016, was refused by notice dated 10 June 2016.
 - The development proposed is described as an extension to link grade II* listed Greengore with grade II listed Camping Barn, with limited internal alterations.
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Appeal B Ref: APP/T2350/Y/16/3160571

Greengore Farm, Hill Lane, Hurst Green, Clitheroe, BB7 9QT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs Annable against the decision of Ribble Valley Borough Council.
- The application Ref 3/2016/0370, dated 19 April 2016, was refused by notice dated 13 June 2016.
- The development proposed is described as an extension to link grade II* listed Greengore with grade II listed Camping Barn, with limited internal alterations.

Decisions

1. Appeal A is allowed and planning permission is granted insofar as it relates to the internal alterations at Greengore and internal alterations and new rooflights at The Flat at Greengore Farm, Hill Lane, Hurst Green, Clitheroe, BB7 9QT in accordance with the terms of the application, Ref 3/2016/0369, dated 19 April 2016, subject to the schedule of conditions at the end of these decisions. The appeal is dismissed insofar as it relates to the proposed extension.
2. Appeal B is allowed and listed building consent is granted insofar as it relates to the internal alterations at Greengore and internal alterations and new rooflights at The Flat at Greengore Farm, Hill Lane, Hurst Green, Clitheroe, BB7 9QT in accordance with the terms of the application, Ref 3/2016/0370, dated 19 April 2016 subject to the schedule of conditions at the end of these decisions. The appeal is dismissed insofar as it relates to the proposed extension.

Main Issues

3. The main issues are the effect of the proposals on:-
 - the special architectural and historic interest of the listed buildings at Greengore and The Flat;
 - the character and appearance of the Forest of Bowland Area of Outstanding Natural Beauty (AONB);

Reasons

Listed buildings

4. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 requires that where the harm is less than substantial, it should be weighed against the public benefits of the proposal.
5. The development plan includes the Ribble Valley Core Strategy (CS) which was adopted in 2014. Key Statement EN5 and policies DME4 and DMG, in seeking to ensure that developments conserve and enhance the significance of heritage assets and encourage a high standard of design, accord with the Framework's requirements.
6. Greengore is a grade II* listed building, whose listing description states that it was built around 1600. The evidence from both parties indicates that the building has historical interest in its associations with the Stonyhurst estate and possible royal connections from its suggested original use as a hunting lodge or shooting box before becoming a farmhouse in the C17th. It also has significance in terms of its age and its rarity as an unusual building with an unconventional single range plan form. Its architectural significance derives from its form and substantial stone-built appearance with mullioned windows in three of its elevations, some with transoms, suggesting a high status building whose principal rooms would have been on the first floor. Its external appearance shows clear evidence of the original building as well as subsequent alterations which have included blocked doorways and five imposing buttresses on the principal and rear elevations. Internally, whilst there are ceiling beams and roof trusses which remain from the original building, there have been many changes over the centuries reflecting its changes in use.
7. The Flat is a grade II listed building to the north west of Greengore, most recently used as a holiday cottage/camping barn. Its historic interest lies in its original use as a former agricultural shippon dating from the C17th and its association with Greengore. Despite some alterations and repairs, it has retained its architectural significance and its simple agricultural character. It has permission and listed building consent for conversion to a two bedroom dwelling.

8. The proposed internal alterations to Greengore include the provision of a downstairs wc and utility room in the existing kitchen and the removal of walls in the existing four bedrooms to create two larger bedrooms. The appellant's heritage statement suggests that the ground floor internal walls date from the late C19th or later. Although English Heritage considers that these form part of the significance of the building, in my view the existing wall between the north hallway and the kitchen contributes little to its significance and its removal would better reveal the original window in the north elevation. This and the creation of new partition walls for a cloak room and wc and a new doorway into the lounge are minor alterations to the rear of the building that would not change the overall layout of the existing main hall or living rooms. The insertion of a new doorway from the lounge to the glazed link to the extension would be immediately to the side of the existing fireplace in the western gable wall. As that wall has been already been altered through external cement rendering, the new opening would not cause significant harm to the fabric of the building. The removal of partition walls at first floor would also better reveal the original window by removing the existing division and would create larger spaces more reflective of the principal rooms that may have existed in its possible former use as a hunting lodge. I conclude, therefore, that the proposed internal alterations would not harm the significance of the listed building.
9. The Council's only objection to the alterations proposed to the listed barn is to the four sets of rooflights. These would be small 'conservation' style rooflights flush with the roof plane. The building was re-roofed and a number of new openings were created when it was converted to a camping barn. Consequently, the new rooflights would have little impact on the significance of the building which would retain its most significant features of randomly spaced small openings and internal kingpost trusses.
10. The proposed extension would provide a kitchen/dining room in a contemporary styled link building between the main house and the barn. Although the rising land to the west provides an attractive backdrop to the buildings, the area is partly occupied by a various small modern structures which detract slightly from the setting of the buildings. Furthermore, the 'open cobbled space' referred to by the Council between the two buildings is substantially patched with concrete and compacted chippings and would be dissected by the previously approved scheme for conversion of the barn to a separate dwelling in any case. I agree, therefore, with Historic England that the principle of a link between the two buildings is an acceptable approach.
11. However, the proposed building is of a considerable size. The appellant's rebuttal statement considers that at 12m it would be shorter in length than the house but this measurement does not take into account the full extent of the overhanging roof and refers only to the length of the walls. Taking account of the overhanging roof it would be slightly longer than the house. It has an excessively wide roof span which would be greater than both those of the house and the barn and its height would be only slightly lower than that of the barn. Thus, in terms of its size and scale it would not appear as a subservient addition to the existing buildings and would be overly dominant. In terms of design detail, its overhanging roof would detract from the simple roof detailing of the barn and would compete with the parapet roof detail of the main house. The stone buttresses would appear contrived and would compete with the imposing buttresses on the house. Moreover, I see no justification for the

number of rooflights in the building given the amount of glazing in the elevations. The new building would be clearly seen from some of the surrounding public footpaths, particularly in a close range view from the footpath which crosses the field to the west of the proposed building and in views towards the property from its access.

12. For these reasons, it would harm the setting of both of the listed buildings, thereby harming their significance. Although in this case the harm would be less than substantial, I must give it considerable importance and weight. I must now assess whether there are any public benefits arising from the proposals that would outweigh the identified harm as required in paragraph 134 of the Framework.
13. Whilst I understand the appellants' wish to create family accommodation that will enable the continued use of the listed buildings and enable the repairs that they consider are necessary, I see no reason why this could not be provided by a much smaller building. The appellants have not provided much detail regarding the repairs they say are necessary other than references to penetrating damp in the barn and significant repairs for Greengore. I have noted that the house was extensively repaired in 1979 and during my visit I saw that it was in generally good condition. I have not been provided with sufficiently compelling evidence to show that the scale of the building proposed is necessary for the continued use of the buildings or for their repair or that there are significant public benefits that would outweigh the harm I have identified. The proposed extension would, therefore, fail to preserve the architectural and historic interest of both of the listed buildings and would conflict with Key Statement EN5 and policies DME4 and DMG.

AONB

14. The Council's policies in Key Statement EN2 and policy DMG2 of the CS seek to protect the character and quality of the AONB and ensure a high quality of design. Decision makers have a statutory duty to conserve and enhance the natural beauty of AONBs which have the highest status of protection and these policies accord broadly with the National Planning Policy Framework ("the Framework") which affords them great weight.
15. I am satisfied that for the reasons given earlier regarding the new rooflights in The Flat, these would not harm the character or appearance of the AONB and would accord with the above policies and the Framework.
16. For the reasons given above and as the proposed extension would be clearly seen from public footpaths surrounding the site, it would fail to conserve or enhance the natural beauty of the AONB and would be contrary to Key Statement EN2 and policy DMG2 and to national policy. I have, therefore, attached great weight to this harm in accordance with paragraph 115 of the Framework.

Conditions

17. I agree with the appellant that the level of detail given in the applications and plans is sufficient and that a condition requiring the precise specification of the loss of historic fabric is unnecessary. The suggested conditions for the approval of materials samples and a scheme of archaeological investigation are unnecessary given the nature of the permitted alterations. In addition to the standard time limit and compliance with the plans conditions which are

necessary to provide certainty, a condition for bat surveys and any necessary mitigation measures is necessary in the interests of ecology and because the submitted Bat Building Inspection showed evidence of bats in both buildings.

Conclusion

18. I conclude then that, for the reasons given above, the proposed extension would harm the special architectural and historic interest of the listed buildings at Greengore and The Flat and the character and appearance of the AONB. As such it would not accord with the environmental dimension of sustainability required in the Framework and would not constitute sustainable development. It would be contrary to the development plan as a whole and there are no other material considerations that would justify determining the appeals otherwise. Both appeals in respect of the proposed extension should be dismissed.
19. For the reasons given earlier, I conclude that the internal alterations to Greengore and to The Flat and the new rooflights to The Flat would preserve the special architectural and historic interest of the listed buildings and would not harm the character and appearance of the AONB. As those alterations are clearly severable, both appeals in respect of those works should be allowed and I shall issue split decisions in respect of both appeals.

Sarah Colebourne

Inspector

Schedule of conditions

Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 15.24/10 rev A, 15.24/11 rev A, 15.24/12 Rev A (excluding from all plans the works relating to the proposed extension).
- 3) No part of the development shall take place until the surveys recommended at page 9 of the submitted Bat Building Inspection have been carried out and details of any necessary mitigation measures have been submitted to and approved in writing by the local planning authority. No part of the development shall take place until any necessary mitigation measures have been carried out as approved and they shall be maintained in accordance with the approved details.

Appeal B

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans and details: 15.24/10 rev A, 15.24/11 rev A, 15.24/12 Rev A (excluding from all plans the works relating to the proposed extension).
- 3) No part of the development shall take place until the surveys recommended at page 9 of the submitted Bat Building Inspection have been carried out and details of any necessary mitigation measure have been submitted to and approved in writing by the local planning authority. No part of the development shall take place until any necessary mitigation measures have been carried out as approved and they shall be maintained in accordance with the approved details.

End of conditions.

Appeal Decision

Site visit made on 25 April 2017

by Sarah Colebourne MA, MRTPI

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

Decision date: 16th May 2017

Appeal Ref: APP/T2350/W/16/3165893

Freemasons Arms, Vicarage Fold, Wiswell, Lancashire, BB7 9DF

- 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 Borton Limited against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0366, dated 18 April 2016, was refused by notice dated 4 July 2016.
 - The development proposed is a single storey extension to Freemasons kitchen and the change of use of 4 & 6 Vicarage Fold from 2 dwellings to 4 letting bedrooms.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to the Freemasons Arms kitchen and the change of use of 4 & 6 Vicarage Fold from 2 dwellings to 4 letting bedrooms at Freemasons Arms, Vicarage Fold, Wiswell, Lancashire, BB7 9DF in accordance with the terms of the application, Ref 3/2016/0366, dated 18 April 2016, subject to the conditions in the schedule attached at the end of this decision.

Preliminary matters

2. I have taken into account plan ref 4814-11A which seems to have been submitted after the Council's decision and as it only amends the garden level of a property to the rear in response to a third party objection I am satisfied that the interests of none of the parties have been prejudiced.

Main Issues

3. The main issues are the effect of the proposed development on:-
 - the character and appearance of the Conservation Area;
 - the living conditions of neighbouring occupiers.

Reasons

Conservation Area

4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Key Statement EN5 and policies DME4 and DMG1 of the Ribble Valley Core Strategy (CS) (2014) seek to ensure the conservation and enhancement of heritage assets and accords with the National Planning Policy Framework (the

Framework) which states in paragraph 132 that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The Framework goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any harm should require clear and convincing justification.

5. The appeal site lies within the Wiswell Conservation Area (CA). From what I saw at my visit I would agree with the Council's CA Appraisal that the village plan with its 'folds' or rectangular enclosures lined with rows of cottages and the homogeneity of the built environment, deriving from the use of locally quarried sandstone for the majority of houses and their boundary walls, constitute important features that contribute to the special interest of the CA.
6. The Freemasons Arms and 4 & 6 Vicarage Fold are C19th buildings which lie at the centre of the historic core and together with other surrounding buildings are locally listed by the Council as Buildings of Townscape Merit. The public house is separated from nos 4 & 6 by a narrow alley or ginnel that gives private access to the rear of the buildings. The public house has had a variety of rear extensions dating from the C20th which include two large, flat roofed sections of the building that accommodate the toilets and kitchen, together with the change of use of first floor rooms from residential to a licensed area. Nos 4 & 6 form part of a short row of three terraced dwellings with common openings and the sub-division of stone-flagged plots with traditional stone walls to the rear.
7. The proposed kitchen extension would be sited in the rear yard of no 6. Although the rear areas are generally concealed from public view and some sections of walling have been altered, are missing or are in poor condition, the loss of some of the existing stone walls and flags in the rear yards would cause a modest level of harm to the significance of the Conservation Area as those elements make a positive contribution to its character.
8. The proposals also involve the blocking up of the ground floor door and window openings in the rear elevation of no 6, although their reveals would remain. The harm caused by this to the significance of no 6 and to the CA would be limited given that some of the openings have unsympathetic replacement windows, the first floor openings in the property and all openings in no 4 would remain and this is not the principal elevation of the properties.
9. Although in this case the harm would be less than substantial, I must give it considerable importance and weight. I must now assess whether there are any public benefits arising from the proposals that would outweigh the identified harm as required in paragraph 134 of the Framework.
10. The appellant says that the extended kitchen would eliminate the need to prepare food in a different building at no 6 and then carry it outside and into the kitchen to be cooked. I saw during my visit that this is likely to necessitate the frequent opening and closing of the doors in each building and the frequent comings and goings of staff. It seems to me that much of the noise, disturbance and odours to which local residents have referred stems from this arrangement and the proposed extension would lessen the impact in those terms. The appellants also say that it would make a significant difference to the efficiency of the business and is considered essential for the business to continue to thrive and progress. Whilst I have not seen any formal request for

additional space to be provided from the Council's Environmental Health team it is clear from the Council's officer's report that the proposed extension is welcomed by Environmental Health who have confirmed that the existing arrangements are far from satisfactory. Additionally, the appellants say that kitchen deliveries would reduce in number from seven days a week to three days a week because storage space would be improved. This would further lessen noise and disturbance to surrounding residents. On the basis of the plans and from what I saw at my visit it is clear that the proposed extension would represent a significant improvement both in terms of reducing noise, disturbance and odours to neighbouring residents and in terms of the operation of the business and its contribution to the local economy.

11. The proposals also include the replacement of the existing unsympathetic top opening windows in nos 4 & 6 with vertical sliding sash windows. Those in the front elevation would be clearly seen from public viewpoints within the CA and would significantly improve the character and appearance of these locally listed heritage assets and that of the CA.
12. I conclude then that in total these are significant public benefits that would sufficiently outweigh the harm arising from the proposals to the CA.

Living conditions

13. The Council has not sought to explain how residents' living conditions would be affected other than a reference to the overlooking of neighbouring gardens from the flat roof of the extension. Objections from local residents also refer to existing and potential problems from noise and odours.
14. I saw that there are high walls to the rear of the appeal site. The proposed extension would have only one door opening which would face the high rear wall. 10 Old Back Lane is well screened from the public house by a very tall conifer tree although there are oblique views from a rear bedroom and bathroom windows of the rear windows of nos 4 & 6 and it is possible to see anyone walking across the flat roof of the existing kitchen to which there is access from the existing fire door. However, the proposals do not include the use of the new flat roof area as a roof garden. A new external fire escape staircase (the realignment of the existing steps) would be seen in oblique views from 10 Old Back Lane and more clearly from properties at 2 Vicarage Fold and some of the properties on Pendleton Road but I see no reason why this would result in additional overlooking, noise or disturbance as it is merely a realignment of the existing steps.
15. The Planning Statement says that the kitchen extension is required for food preparation and storage space rather than cooking and it seems to me that there will be no adverse change in terms of noise or odours from the extension. I have not been made aware of any action taken by the Council's Environmental Health team in relation to noise or odours who has raised no objection and is in favour of the proposals.
16. I have also considered the effect of the change of use of nos 4 & 6 Vicarage Fold on the living conditions of neighbouring occupiers. The garden to the rear of no 4 is in very close proximity to the dwelling at no 2 Vicarage Fold and to properties on Pendleton Road. However, the plans show that there would be no access into it from the proposed letting bedrooms and the design and access statement indicates that it would be used as a kitchen garden. In order to

protect the living conditions of neighbouring occupiers from any potential use as a pub garden, a condition restricting its use is necessary as referred to previously and would make the development acceptable in this respect. Furthermore, as the change of use of nos 4 & 6 would reduce the movement of staff across the existing yard between no 6 and the existing kitchen, the proposed development would be likely to result in an overall reduction in levels of noise and disturbance.

17. I am satisfied then that there would be no significant harm from overlooking, noise or odours from the proposed development to the living conditions of the occupiers of any of the surrounding properties and it would accord in this respect with CS policy DMG1 which seeks to protect such matters.

Other matters

18. I have noted a third party objection regarding fire safety but that is a matter that would be dealt with under the Building Regulations and I have no compelling evidence to indicate that the proposals would be unsafe.
19. Local residents have also highlighted existing parking problems in the village arising from the public house and the additional need for parking that would arise from the proposals. As referred to earlier, the proposals would lead to a reduction in deliveries which would be beneficial given the narrow width of some of the roads in the village and the proximity of neighbouring dwellings. I am not persuaded that the use of four letting bedrooms would result in a higher level of parking than the existing use of the three bedroomed properties. Whilst the proposals seek to maximise the existing number of covers, no change is proposed to the number of covers already permitted and controlled by a condition on a previous permission. The highways authority has not raised any objection to the proposals and I am satisfied that they would not have a harmful effect on parking and highway safety.

Conditions

20. I have considered the Council's suggested conditions against the tests of the Framework and the advice in the Government's Planning Practice Guidance. The standard time limit and accordance with the plans conditions are necessary to provide certainty. In addition to the condition limiting the use of the kitchen garden referred to above, a condition requiring samples of external materials is necessary as full details are not given in the application and in the interests of the character and appearance of the CA.

Conclusion

21. For the reasons given above, material considerations indicate that planning permission should be granted for development that is not in accordance with the development plan as a whole. I conclude that the public benefits that would result from the proposed development outweigh the harm that would be caused to the Conservation Area. I have taken into account all other matters raised but none are sufficient to lead me to reach a different conclusion. The appeal should be allowed.

Sarah Colebourne

Inspector

Schedule of 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: 4814-3F, 4814-11A, 4814-2D; Design and Access Statement.
- 3) No development shall take place until samples of external materials have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.
- 4) The area shown in the approved plans as garden to the rear of 4 Vicarage Fold shall be used as a kitchen garden and for no other purpose (including any other purpose in Class A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

End of conditions.



Appeal Decisions

Hearing and site visit held on 9 May 2017

by **A U Ghafoor BSc (Hons) MA MRTPI**

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

Decision date: 18 May 2017

Appeals A and B refs: APP/T2350/C/16/3161917 and 3161918 Timothy House Farm, Whalley Road, Hurst Green, Clitheroe BB7 9QL

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr John Anthony Nutter (Appeal A) and Mrs Linda Ann Nutter (Appeal B) against an enforcement notice issued by Ribble Valley Borough Council.
- The enforcement notice was issued on 14 September 2016.
- The breach of planning control as alleged in the notice is without permission, the material change of the use of the land from use for agriculture to a mixed use of the land comprising land used for agriculture and for the stationing of a static caravan on the land for residential use, not reasonably required for agriculture.
- The requirements of the notice are to:
 - (1) Cease all use of the land for the stationing of a static caravan,
 - (2) Remove the static caravan from the land,
 - (3) Disconnect and make safe all services to the static caravan, and
 - (4) Remove the hard standing beneath the static caravan and reinstate it to its use as agricultural land.
- The period for compliance with the requirements is three months.
- Appeal A is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended. Appeal B is proceeding on grounds (a) and (g). Since the prescribed fees have not been paid within the specified period for Appeal A, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: Both Appeals are dismissed, and the enforcement notice is upheld with a correction and variations as set out in the formal decision at paragraph 46 below.

Appeal C ref: APP/T2350/W/16/3161673 Timothy House Farm, Whalley Road, Hurst Green, Clitheroe BB7 9QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
- The appeal is made by Mr John Nutter against the decision of Ribble Valley Borough Council.
- The application ref 3/2015/0780, dated 7 September 2015, was refused by notice dated 25 April 2016.
- The development proposed is described in the application form as retrospective application for the sitting of a static caravan on land at Timothy House Farm for use as a temporary farm worker's dwelling.

Summary of Decision: The appeal is dismissed as set out in the formal decision at paragraph 53 below.

Appeal D ref: APP/T2350/W/16/3161671 Land off Lambing Clough Lane, Hurst Green, Clitheroe

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as
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amended against a refusal to grant outline planning permission.

- The appeal is made by Mr John Nutter against the decision of Ribble Valley Borough Council.
- The application Ref 3/2015/0776, dated 7 September 2015, was refused by notice dated 25 April 2016.
- The development proposed is outline application for the construction of a permanent farm worker's dwelling.

Summary of Decision: The appeal is dismissed as set out in the formal decision at paragraph 54 below.

Preliminary matters

1. At the Hearing an application for costs was made by the Council against the appellants, Mr and Mrs Nutter. This application is the subject of a separate Decision. Appeals A, B and C relate to the same site but outline planning permission is sought for a different site; I will separately assess the merits of Appeal D.
2. The allegation is a mixed use of the land. The notice attacks the residential use which has been facilitated by the stationing of a caravan. Therefore it is unnecessary to state *not reasonably required for agriculture*. I suggest these words should be deleted as they serve no purpose. For greater precision, the notice should specify the cessation of the residential use not just removal of the caravan. There is agreement between the appeal parties that the hard surface beneath the mobile home existed prior to the change of use; it is beyond the notice's scope to require removal of the hard-standing. The intended corrections are minor and do not fundamentally alter the nature of the development originally enforced against. The correction to the requirements does not make the notice any more onerous. I am satisfied no injustice is caused to any party by these corrections. I will correct the notice.

Ground (a) and S78 appeal

3. Mr and Mrs Nutter seek planning permission to continue the residential use of the site. Permission is sought for a limited period of 24 months on the basis of essential need in connection with a rural enterprise. The agricultural holding extends to some 195 hectares of grassland comprising tenanted and owner-occupied land. A further 540 ha is used during winter. Farming operations occur at Manor Farm where there is a group of rural buildings and a farm house. The farm is held on a secure agricultural holding tenancy with Stonyhurst Estate. The livestock enterprise comprises cattle and sheep breeding. There is broad agreement between the agricultural experts that the operations generate a functional need for at least two full-time workers to be on hand day and night, given the nature and scale of the enterprise. I have no reason to disagree. My assessment of the planning merits shall focus on the residential use of the site.
4. Mr Nutter, who is the main farm worker, employs two full-time workers including his son, Mr John Nutter junior, because he needs to be on hand day and night. He resides at Timothy House Farm and occupies the mobile home. The latter is located some distance from Manor Farm but is under the ownership of Mr and Mrs Nutter. The land at Timothy House Farm that is subject of enforcement action is located in the Forest of Bowland Area of Outstanding Natural Beauty ['the AONB'], and adjacent to the boundary of the Hurst Green Conservation Area ['the CA']. There is a small group of dwellings close to the site.
5. I consider the **main issues** are the following: (1) The effect of the development upon the landscape and scenic beauty of the AONB (2) the setting of the adjacent CA (3) the living conditions of nearby residents, and (4) if any harm arises, whether it is

outweighed by other considerations, including the essential need for an additional rural worker need to live permanently at or near their place of work.

Reasons - *Landscape and scenic beauty of the AONB*

6. Great weight should be given to conserving landscape and scenic beauty in an AONB. This is echoed in key statement EN2, landscape, of the Core Strategy 2008 – 2028 [‘the CS’] as well as aims of policies DMG1, DMG2, DMH3 and DME4. In assessment of any proposal for development within the AONB, the CS indicates that the most important consideration will be the protection, conservation and enhancement of the landscape.
7. There is a scattering of built development in the form of rural buildings however the surrounding area is characterised by attractive undulating countryside. From higher ground there is a most beautiful vista of lush green scenery. The introduction of primary residential use has significantly changed the appearance of the site. It has introduced residential activity coupled with the spread of domestic paraphernalia and an increase in comings and goings associated with residential living to this part of the countryside. All of these have the potential to cause visual harm to the scenic beauty of the landscape. I do not consider caravans are characteristic of the area.
8. The caravan’s pitched roof rises above the adjacent curtilage wall and it is noticeable from various public footpaths that traverse the locality. In short and medium distance views the mobile home is, due to its exposed position, intrusive. It has a jarring effect because of its siting. I reject the notion that the mobile home successfully integrates with the adjacent rural buildings.
9. Mr and Mrs Nutter argue that the caravan is a temporary structure and it will be removed once a permanent solution is found to meet the operational requirements of the enterprise. It is claimed soft landscaping, or a perimeter timber fence, could be installed to hide the caravan. However, in my assessment, it is the existence of the caravan in this location that causes considerable visual harm to the landscape and scenic beauty of the AONB. I reject the argument that soft landscaping would sufficiently mitigate that harm. The development materially conflicts with CS key statement EN2 and policies DMG1, DMG2, DMH3 and DME4.

Setting of the CA

10. Timothy House Farm and Timothy Cottage, which are both identified as buildings of townscape merit within the Hurst Green CA character appraisal, are situated in proximity to the caravan. The adjacent CA special interest is derived from the architectural style and layout of traditional stone buildings. The open and mainly undeveloped vastness of the surrounding countryside forms a visual backdrop and landscaped setting in which the heritage asset is experienced. In contrast, the mobile home forms an incongruous feature in the landscape.
11. The siting of the caravan is an integral part of the land’s primary residential use and its visual effect on the setting of the adjacent CA is immense. The mobile home is an alien feature in comparison to traditional stone buildings. It has a visually incongruous impact on the appearance of the heritage asset because of its rectangular shape and layout, which is out of keeping with the area’s special architectural interest. In views from public footpaths and the adjacent highway the caravan has a dominant visual effect given the area’s topography. Its utilitarian design draws the naked eye.
12. In terms of the National Planning Policy Framework [‘the NPPF’], development will lead to less than substantial harm to the significance of the CA; nevertheless, there is real

and serious harm. Mr Hoerty, quite rightly in my opinion, conceded that the stationing of a caravan for primary residential use brings no public benefit.

13. On the main issue, I conclude that the residential use facilitated by the stationing of the caravan has a materially harmful effect upon the setting of the adjacent CA. Accordingly, the proposal conflicts with CS policies with Policies DS2, DME4, DMG1, DMG2 and DMH3.

Neighbours' living conditions

14. The occupant of Timothy House Farm does not object to the stationing of a temporary residential dwelling. Nevertheless it should be borne in mind that planning permission runs with the land and, irrespective of who occupies the property currently, it is necessary and reasonable to examine the general characteristics of the land use and any environmental consequences. In that context, the caravan is situated alongside the residential curtilage to neighbouring properties. It is clearly visible from adjoining properties due to the difference in topography. Given the considerable degree of overlooking of private gardens, these areas are likely to be less pleasant to enjoy especially during the summer months.
15. Rear elevation windows are visible from the caravan and vice-versa. The perception of being overlooked is likely to greatly increase because of the caravan's elevated positioning and orientation. In this rural location I do not consider that the development secures high quality design and a good standard of amenity for all existing and future occupants. I therefore conclude that the development has materially harmful effect upon the living conditions of nearby residents. Accordingly, it conflicts with CS policy DMG1.

Other considerations

16. I turn now to consider other planning matters which, potentially, might be held to weigh in favour of granting planning permission. Principal amongst these is the claim that residential accommodation for which planning permission is sought facilitates a viable livestock farming and breeding business requiring a constant on-site presence for at least one additional full-time worker. In this case that worker is Mr Nutter junior.
17. CS policy DMH3 seeks to limit residential development in the countryside including AONB to development essential for the purposes of agriculture or to meet local need. Amongst other things, it states that, in assessing proposals for agricultural worker's dwellings, a functional and financial test must be applied. I think that approach is broadly consistent with NPPF paragraph 55. It indicates isolated new homes in the countryside should be avoided. It identifies a number of special circumstances in which isolated new homes would be justified. One exception is the essential need for a rural worker to live permanently at or near their place of work. It is therefore necessary to show a special justification having regard to the needs of this particular enterprise rather than personal desire or circumstances.
18. The chorus of disagreement focuses on whether it is necessary for Mr Nutter junior to live at Timothy House Farm in order for the enterprise to function properly. The evidence indicates to me there is properties for sale in Hurst Green, but these fall within the bracket £199,950 – £300,000 for a two-bedroom terraced dwelling. Three and four bedroom properties far exceed these figures. Mr Hoerty did his utmost to explain why a two-bedroom property is unsuitable for Mr Nutter Junior to occupy because of his intentions. However, it is the needs of the enterprise that prevail and not of those individuals involved in the business.
19. I appreciate that the price range for modest size dwelling seems unaffordable on an agricultural wage. However, that is not the end of the matter. This is because Mr Nutter

junior owns a property at Ribchester. That could be sold to help purchase a suitable dwelling closer to Manor Farm, which would potentially allow him to live near his place of work. There is nothing before me to suggest this option has been adequately or properly explored. I am also not persuaded that renting has been properly examined. Homes of varying sizes are available for rent in nearby settlements including Hurst Green. The rental price is up to about £750 per calendar month depending on what is on the market.

20. According to Mr Nutter a rural worker living in the village has the potential to cause angst amongst the settled community because of noise and general disturbance generated by early morning/late evening tractor manoeuvres. I give little credence to this line of argument. There is nothing to suggest the farm worker must commute by tractor.
21. There is an added complexity. This is because the circumstances surrounding occupation of Timothy House Farm is unclear. The latter is a terraced property and while of modest size; it is occupied and used as someone's home for a charge. There is genuine concern about terminating the tenancy and potential implications, yet there is nothing before me to suggest the property is not available because of the tenant's legal rights. For instance, the nature and scope of any tenancy remain unclear. The available evidence does not sufficiently show to me that this property is not available. Furthermore, while I understand Mr and Mrs Nutter's aim is to bequeath Timothy House Farm to their children this, I am afraid, is not a strong enough reason to discount its suitability or availability.
22. There is another complication. Timothy House Farm is attached to a substantial traditional stone barn currently used for agricultural purposes. The Council suggest that a modern farm building could be built at Manor Farm thus releasing the stone barn for residential conversion. That seems sensible given the spatial strategy that seeks to focus residential development in sustainable locations, but is supportive of conversion of rural buildings. Again, Mr Hoerty did his utmost to demonstrate that the barn is unsuitable for conversion, but there is no evidence before me to suggest that it is structurally unsound or that its residential conversion would be unviable.
23. For the reasons given in the preceding paragraphs, I consider that, even if there is a functional need for at least one additional full-time worker to be on hand day and night, the evidence presented does not sufficiently show that there is no appropriate alternative accommodation available. This finding is fatal to Mr and Mrs Nutter's case but, for the sake of completeness, I will assess the viability arguments.
24. Circumstances vary infinitely and I consider that a financial test should not be applied too rigidly; it should be applied with a margin of flexibility. It is important however to secure the underlying purposes of local and national policy. Trading, profit and loss accounts for year end 31 January 2014 show a loss of £38,196; I recognise this dip is probably because of adverse weather conditions. Year-end 31 January 2015 show a profit of £39,672 and £29,994 in 2016. Projected accounts show profit of £31,972 in 2017 although projected costs beyond that period have not been provided for consideration.
25. The financial information lacks specificity as it does not sufficiently show how the enterprise would fund the construction of a new dwelling and remain profitable. Again Mr Hoerty did his utmost to explain how the development would be funded but debt repayment remains unclear. I understand that there is a possibility of selling Mr Nutter junior's home at Ribchester or realise equity to help fund a permanent dwelling, but specifics have not been provided. In total there is insufficient evidence showing the potential impact of the construction costs on the long-term viability of this enterprise.

Added to those concerns is lack of wage transparency. In the accounts this is shown as *contract bailing & haulage costs* yet it is unclear whether a minimum agricultural wage is actually paid to employees. While Mr Nutter junior benefits from the land, it remains uncertain as to whether the minimum agricultural wage would have any impact upon profitability.

26. So, even if a different view prevails on the availability of alternative accommodation I do not share Mr Hoerty's very optimistic outlook that this enterprise has been planned on a realistic and sound financial basis to support an additional rural worker and dwelling. In reaching my findings, I have taken into account farming methods and the involvement of family members in the operations. Nevertheless, the evidence presented does not sufficiently show to me that suitable affordable alternative existing accommodation is not available to meet the identified functional need. To allow the appeals without clear evidence of alternative accommodation or financial planning could potentially result in a dwelling, permanent or temporary, in the countryside without agricultural justification. In my opinion, that would clearly violate the purposes of local and national planning policy. I therefore attach limited weight to the agricultural justification advanced in support of temporary or permanent agricultural worker's dwelling.
27. Mr Nutter junior's Human Rights, under Article 8 of the European Convention on Human Rights, should be taken into consideration. This includes not only respect for home but also private and family life. Dismissal would be likely to result in him and his partner's eviction resulting in interference with their home, private and family life. This interference with the rights of the occupiers must be balanced against the wider public interest in pursuing the legitimate aims stated in Article 8. The overall harm to the character and appearance of the AONB represents a serious objection to the residential use of the land, which cannot be overcome by mitigation alone. There is a need for restrictive policies to be applied to such areas and this restriction is an appropriate proportional response to that need. The Council state there is alternative accommodation in the locality and I also heard Mr Nutter Junior and partner have alternative accommodation elsewhere. This requires investigation.

Additional matters

28. Whilst the findings of other Inspectors may well be relevant, and there is a need for consistency in the planning process, these are not Case Law. I am not bound to reach the same conclusions provided there are sound planning reasons for departing from their approach. In that context, I should remind the appeal parties that each proposal should be assessed upon its individual merits. Nonetheless, I have considered all of the submitted appeal decisions in reaching my findings above.
29. Mr Hoerty made much of the appeal decision at the Old Dairy Farm, Chipping Road, Chaigley, which falls within the administrative area¹. My interrogation reveals that case can be distinguished on facts. For example, there is insufficient evidence to show existing alternative accommodation is not available given the circumstances surrounding Timothy House Farm and the adjacent traditional stone built farm; this is very much different to the findings in Chaigley. Likewise, financial details are incomplete. In the latter case the level of borrowing was high but the assets comprising the farm house, owned land and buildings were available as security to meet the liabilities of that farm enterprise. No such level of detail has been provided in this case.

¹ APP/T2350/A/10/2131469, APP/Q9495/A/13/2207717, APP/C2708/A/13/2205798 and APP/C/97/R2330/647276 referred to by Mr Hoerty, and APP/P2365/A/13/2199218 by the Council.

30. The particular facts and circumstances of the case before me are materially different compared to these other appeal sites. I do not consider that these appeal decisions are strong precedents to grant planning permission for unwarranted development inside the countryside. On the main issues, I find nothing to indicate planning permission ought to be granted.

Planning balance

31. I have found that the development fails to conserve landscape and scenic beauty of the AONB to which great weight is given. I also attach considerable importance and weight to my finding on the second main issue above. Additional weight is given to the adverse effect of the development upon nearby residents' living conditions.

32. On the other side of the scales, there are some social and economic benefits in that a temporary agricultural worker's dwelling would meet the identified functional need. But there is significant environmental harm and that aspect of sustainable development is not met.

33. There is a functional need for an additional rural worker to live permanently at or near Manor Farm. However, the weight I attach to this is considerably reduced because the evidence presented does not sufficiently show existing alternative accommodation is not available. I therefore attach limited weight to the agricultural justification.

34. I have also had regard to the consequences of these appeals being dismissed for the appellants and, in particular, Mr Nutter junior and his partner. However, there is possible alternative accommodation in the locality and a reasonable period of compliance would address concerns about disruption to their lives. Given the serious harm identified above, in my opinion, protection of the public interest cannot be achieved by means that are less interfering. In these circumstances, a refusal of planning permission is a proportionate response. I therefore attach limited weight to this factor.

35. On balance, I conclude that the other considerations advanced, whether taken individually or collectively, do not outweigh the serious adverse impact of the development on the character and appearance of this rural site and landscape, setting of the CA and harm caused to neighbours' quality of life. Therefore, there is conflict with the cited CS policies above as well as relevant section of the NPPF.

Appeals A and B – Ground (g)

36. It is necessary to consider whether the specified compliance period, three months, falls short of what should reasonably be allowed. Twelve months as a period of compliance would be excessive given the nature of the work required by the notice and the harm caused by the residential use. Nonetheless, arrangements would need to be made to cease the residential use of the land and remove the caravan. That would require some planning and is likely to take time.

37. Mr Nutter Junior has accommodation elsewhere but Mr and Mrs Nutter maintain the mobile home is sometimes used by him when he works on the farm. There is no substantive evidence to make less than probable that assertion. In my opinion a slightly extended period of compliance avoids significant disruption and hardship to Mr Nutter junior while alternative arrangements are made. I am therefore of the firm opinion six months is reasonable and appropriate. This is a just and proportionate response to the particular circumstances presented, and strikes a fair balance between the competing interests of the wider public and individuals involved in this case. Therefore, ground (g) succeeds.

Appeal D - Outline planning permission for construction of a permanent farm worker's dwelling²

38. The **main issue** is whether or not the proposed development would be in an acceptable location and, if any harm arises, whether it is outweighed by other considerations, including the essential need for a rural worker to live permanently at or near their place of work.

Reasons

39. The appeal site is in Mr Nutter's ownership some 300 metres from main farm buildings at Manor Farm. Although situated on the outskirts of Hurst Green where there is a scattering of rural buildings, the site is surrounded by rolling countryside. Apart from a college there are no local amenities within the settlement. The closest town being Clitheroe, which has a wide-range of competitor retail outlets, services and facilities. It is not within reasonable walking or cycling distance from the site. There is, however, limited public transport serving the village.
40. Realistically, given the relatively isolated location of the site, future residents would be heavily reliant almost entirely upon the private motor car for most of their day-to-day travel needs. Car-based commuting is likely as occupiers would be reliant on private transportation for a weekly shop or a trip to the health centre. This would not be ideal and does not sit comfortably with the Government's objectives of delivering sustainable development in a planned and coordinated manner, minimise and mitigate and adapt to climate change including moving to a low carbon economy.
41. Reliance on private mode of transport is not totally uncommon in a mainly rural area such as this and existing residents are likely to rely on private transportation to meet their day-to-day needs. The travel distance to Clitheroe is not too great. This argument however could be often repeated in favour of isolated rural sites such as this, and it is not persuasive enough to justify a new residential use in this rural location away from settlements. This level of reliance on the private car does not necessarily mean the development is unsustainable given the wider approach endorsed in the NPPF; it is not just about transport mode or access to local facilities. That said, however, Mr Nutter concedes there would be limited social benefits. Economic advantages of the scheme are likely to be restricted to the limited extent to which the occupiers would contribute to the local economy.
42. At risk of repetition, there is broad agreement that a functional need exists for an additional farm worker's dwelling so that Mr Nutter junior can live permanently near his place of work. The contention is that the proposed dwelling would meet that specific need in the long-term. However, for reasons set out above the evidence presented does not sufficiently show that there is no existing accommodation available to meet the functional need. Likewise, agricultural justification does not adequately show that this enterprise has been planned on a realistic and sound financial basis to support the construction of a permanent farm worker's dwelling or rural worker.
43. The site is not located within a reasonable distance to local facilities and services and its use for residential purposes would encourage unsustainable pattern of travel. There is therefore an in principle objection to the development because the scheme would conflict with the spatial strategy set out in CS key statement DS1, which describes Hurst Green

² All matters reserved apart from access. The appeal parties agreed highway reason for refusal 2) has been addressed, because sufficient detail shows the proposed development would not create adverse impact on the use of Lambing Clough Lane by occupants and other highway users. This issue is no longer in dispute and I shall focus on other planning matters raised in the Council's decision notice.

as a Tier 2 less sustainable settlement where development will need to meet proven local needs or deliver regeneration benefits. It would conflict with purposes of CS key statement DS1 and DS2, policies DMG2, DMG3 and DMH3.

44. Drawing all of the above threads together, on the main issue, the proposed development would not be in an acceptable location and the site is unsuitable and unsustainable for this kind of residential development. On balance and the available evidence, I conclude that the perceived harm is not outweighed by the identified functional need for an additional agricultural worker's dwelling.

Appeals A to D - overall conclusions

45. For all of the reasons given above and having regard to all other matters, I conclude that Appeals B and C should not succeed. In Appeals A and B I shall vary the period of compliance and uphold the enforcement notice and refuse to grant planning permission on the deemed application in Appeal B. I further conclude that Appeal D should be dismissed.

Formal Decisions - APP/T2350/C/16/3161917

46. It is directed that the notice is corrected by:

Delete all of the text in section 3: the breach of planning control alleged, and substitute therefor by the following text: *Without planning permission, the material change of use of the land from agriculture to a mixed agricultural and residential use facilitated by the stationing of a caravan.*

47. It is directed that the notice is varied by:

Delete the text in section 5: what you are required to do, sub section (1) and substitute therefor by following text: *Cease the use of the land for residential purposes,*

And

Delete all of the following text in sub section (4): *Remove the hard standing beneath the static caravan and reinstate it to its use as agricultural land.*

And

Delete the number and text *3 months* in section 6: time for compliance, and substitute therefor by the following period of compliance: *6 months.*

48. Subject to the corrections and variations, the appeal is dismissed and the enforcement notice is upheld.

For the avoidance of any doubt, the requirements and period of compliance is now:

- (1) Cease the use of the land for residential purposes,
 - (2) Remove the static caravan from the land, and
 - (3) Disconnect and make safe all services to the static caravan.
- Period of compliance: Six months.

APP/T2350/C/16/3161918

49. It is directed that the notice is corrected by:

Delete all of the text in section 3: the breach of planning control alleged, and substitute therefor by the following text: *Without planning permission, the material change of use*

of the land from agriculture to a mixed agricultural and residential use facilitated by the stationing of a caravan.

50. It is directed that the notice is varied by:

Delete the text in section 5: what you are required to do, sub section (1) and substitute therefor by following text: *Cease the use of the land for residential purposes,*

And

Delete all of the following text in sub section (4): *Remove the hard standing beneath the static caravan and reinstate it to its use as agricultural land.*

And

51. Delete the number and text *3 months* in section 6: time for compliance, and substitute therefor by the following period of compliance: *6 months*.

52. Subject to the correction and variations above, the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

For the avoidance of any doubt, the requirements and period of compliance is now:

(1) Cease the use of the land for residential purposes,

(2) Remove the static caravan from the land, and

(3) Disconnect and make safe all services to the static caravan.

Period of compliance: Six months.

APP/T2350/W/16/3161673

53. The appeal is dismissed.

APP/T2350/W/16/3161671

54. The appeal is dismissed.

A U Ghafoor

Inspector

APPEARANCES

FOR THE APPELLANT:

Gary Hoerty	Gary Hoerty Associates
John Nutter	Appellant
Linda Nutter	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

John Macholc	Head of Planning Services
Nicholas Bower	Agricultural Consultant, Lancashire County Council

INTERESTED PERSONS:

Alison Roland	Town Planners Ltd
Chris Berry	Local resident
Jan Alcock	Borough Councillor

DOCUMENTS HANDED IN AT THE HEARING

- 1) Aerial images handed in by the Council
- 2) Property search handed in by Alison Roland
- 3) Accounts handed in by Gary Hoerty
- 4) Full set of Core Strategy policies by the Council.