



Appeal Decision

Site visit carried out on 1 December 2017

by Mrs J A Vyse DipTP DipPBM MRTPI

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

Decision date: 14 December 2017

Appeal Ref: APP/T2350/W/17/3178610

2A Whittingham Road, Longridge, Lancashire PR3 3JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs S Aziz against the decision of Ribble Valley Borough Council.
 - The application No 3/2017/0220, dated 20 February 2017, was refused by a notice dated 16 May 2017.
 - The development proposed is described on the application form as transfer of current shop to a hot food premises – takeaway.
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Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for use of 2A Whittingham Road, Longridge, Lancashire as a hot food takeaway in accordance with the terms of the application, No 3/2017/0220, dated 20 February 2017, subject to the conditions set out in the attached schedule.

Main Issue

2. This relates to the effect of the proposed change of use on highway safety.

Reasons for the Decision

3. The appeal premises comprise a modest retail unit within a small single storey group of commercial premises fronting on to the roundabout junction of Whittingham Road (B5269) and Derby Road (B6244). At the time of my visit, other uses in the group included a barbers/hair and beauty establishment, a café and a fish and chip shop.
4. The Council advises that the roundabout junction is busy, particularly during the morning and evening peak hours, and that there is a poor accident record here. However, other than a comment that two accidents involved pedestrians emerging from between parked cars, no detailed evidence is before me. For instance, there is no indication as to what time of day/day of week or over what period the two incidents referred to occurred. Neither is there any information as to the timing, nature, cause or frequency of any other incidents.
5. During my visit, I saw that parking is restricted by double yellow lines along the highway in front of the commercial units on the corner here, as well as on other arms of the roundabout. However, on-street parking is available within a short distance of the appeal premises, on the opposite side of this part of Whittingham Road and on nearby roads, including Chatburn Road. Although parking on nearby streets would require a short walk to the premises, this

- would be in the region of around 50 metres and in my experience would not be a prohibitive distance for even a short visit to a takeaway.
6. Intended opening would be between 16.00-23.00 hours and thus the business would be open during the evening, when there would, it seems to me, be demand for on-street parking from residential occupiers along the respective roads. However, the residential nature of the area also means that it is reasonable to assume that many potential customers may live locally and would walk to the premises, or may have their purchase delivered. In any event, no evidence is before me to demonstrate that any increase in parking arising from visitors driving to the proposed takeaway, which visits would be for a short duration, could not be accommodated within the existing on street parking provision, a short distance from the appeal site.
 7. I recognise that parking on the forecourt area in front of the shops may have implications for pedestrian safety as vehicles cross the footway. However, this is an existing arrangement and there is no evidence to demonstrate that operation of the existing uses here, including the fish and chip shop, have impacted adversely on pedestrian safety, with the only two incidents referred to relating to pedestrians emerging from between parked cars. Moreover, the application relates to premises which can lawfully be used for A1 retail purposes. Such a use would also be likely to attract at least some car-borne customers in any event.
 8. It is suggested that customers may ignore the on-street parking restrictions and may risk parking on the double yellow lines in contravention of existing waiting restrictions. However, my decision is made on the basis that those restrictions would be enforced by the relevant authorities.
 9. All in all, in the absence of any compelling evidence to support the Council's concerns, I am satisfied that any increase in demand for parking could be accommodated and that the development proposed would not represent a danger to highway safety, even having regard to cumulative impact in connection with existing uses. There would be no conflict, in this regard, with policies DMG1 and DMG3 of the Ribble Valley Core Strategy 2008-2028 (adopted December 2014) which together and among other things require that consideration is given to traffic and car parking implications, with all development proposals to be provided with adequate parking and servicing.

Other Matters

10. The appeal site lies within the Longridge Conservation Area, which is a good example of a Lancashire industrial town, containing mainly C19th stone buildings along three principal streets. I consider that its special interest, and thus its heritage significance, derives largely from its buildings and their layout.
11. The development proposed comprises the change of use of a modern retail premises which, of itself, would not have any effect on the character or appearance of the Conservation Area. In terms of physical alterations to facilitate the proposed use, the only external alterations indicated on the submitted plans comprise a replacement extraction flue on the rear, although the detail provided in terms of its appearance is very sketchy. Given the presence of extraction equipment at the rear of other premises in the group, I am satisfied that, in principle, the replacement flue need not, subject to an

appropriate condition, harm the character or appearance of the Conservation Area.

12. Local residents raise concerns relating to youths gathering, litter, noise, nuisance and odours. The main activity associated with the proposed use would be concentrated to the front of the premises. Although the site lies within a residential area, it fronts onto a busy roundabout, at the junction of two main roads, with no residential accommodation above, the units here being single storey. In that context, I consider, subject to conditions restricting opening hours to those applied for, that the proposed use need not be of significant consequence in terms of noise and anti-social behaviour.
13. In relation to odours, a new extraction system is proposed. No objection is raised by Environment Health in this regard and I have no reason to suppose that a modern extraction system would not be able to deal satisfactorily with cooking odours. With respect to concerns over littering, I did not observe there to be any particular related problems in the immediate vicinity at the time of visit, even though there is fish and chip shop in the group here. In the absence of any definitive evidence on the matter, I give this only limited weight in reaching my conclusion.
14. Other comments suggest that there is no need for another take away in the immediate locality. I recognise that there is a fish and chip shop and a café within this short parade. However, the planning system does not exist to stifle competition. I therefore give this matter very little weight.

Conclusion

15. For the reasons set out above, I conclude that the appeal should succeed.
16. The Council has suggested five conditions in the event of such an outcome. In addition to the standard condition relating to timing for commencement of development, it is necessary to control opening hours in order to protect the living conditions of local residents. For the same reason, but also to protect the character and appearance of the Conservation Area, a condition requiring further detail of the proposed fume extraction equipment is needed.
17. Whilst the Council suggests a condition specifying the plans to which the permission relates, such a condition is not necessary where an application relates solely to change of use. Another condition suggests that the premises shall be used only as a hot food takeaway (Use Class A5) and for no other purpose. I am mindful, in this regard, that the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) allows for change of use of Class A5 hot food takeaways to other uses, including uses falling within Class A2 financial and professional services and Class A3 (restaurants and cafes) without the need for planning permission. Whilst the Council asserts that uses other than a hot food takeaway could have implications for neighbour amenity and/or the character and appearance of the Conservation Area, the precise nature of those concerns is not articulated anywhere.
18. It is not clear to me how any of the uses permitted by the GPDO would necessarily impact on those interests. However, the parking pattern for use as a restaurant or café use would be different from the short duration parking associated with a hot food takeaway, with implications for highway safety (and,

potentially, the living conditions of local residents who rely on on-street parking provision particularly, it would seem to me, in the evenings and at weekends). Similarly, customers of a financial or professional services establishment may have longer term parking needs that could not, necessarily, be readily met in this location. It is in the light of the absence of any dedicated off-street parking for such uses that I consider the suggested condition to be necessary.

Jennifer A Vyse
INSPECTOR

Schedule of Conditions
APP/T2350/W/17/3178610
2A Whittingham Road, Longridge, Lancashire

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The use hereby permitted shall only take place between 16:00 – 23.00 hours on any day.
- 3) Notwithstanding any detail shown on the submitted plans, the use hereby permitted shall not commence unless and until a scheme to control the emission of fumes and smell from the premises has been installed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 4) The premises shall be used as a hot food takeaway only (Use Class A5) and for no other purpose (including any other purpose allowed for by Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Part in any statutory instrument revoking and re-enacting that Order with or without modification).

-----END OF CONDITIONS SCHEDULE-----



Appeal Decision

Site visit made on 30 January 2018

by **Debbie Moore BSc (HONS) MCD MRTPI PGDip**

an Inspector appointed by the Secretary of State

Decision date: 8th February 2018

Appeal Ref: APP/T2350/W/17/3189488

The Ridge, Grindleton, Clitheroe BB7 4QT

- 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 Hearle against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2017/0751, dated 10 August 2017, was refused by notice dated 10 November 2017.
 - The development proposed is described on the appeal form as "erection of stable for two horses, haylage and equipment".
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Decision

1. The appeal is allowed and planning permission is granted for "erection of stable for two horses, haylage and equipment" at The Ridge, Grindleton, Clitheroe BB7 4QT in accordance with the terms of the application, Ref 3/2017/0751, dated 10 August 2017, subject to the conditions attached in the schedule to this Decision.

Procedural Matters

2. I have taken the description of development from the appeal form for consistency with the Council's decision notice.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, in particular the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is located in the countryside, to the north of the settlement of Grindleton, and is within the AONB. The site lies adjacent to a rural lane known as Whitehall Lane. The surrounding countryside is characterised by open fields, with boundary hedgerows, groups of trees and watercourses. The topography is undulating and the site is visible from a number of public viewpoints along Whitehall Lane, and from a public footpath that runs to the west of the site. The site is accessed from Whitehall Lane, at a low point in the road where it bends sharply to the south-west. There is hedgerow along the boundary adjoining the road.
5. The proposed development is a detached stable/storage building comprising three bays. It would be sited close to the existing field access alongside the

front boundary, away from any other development. The proposal would include alterations to the access, a new tarmac entrance and track, and a vehicle turning area. It would also involve works to level the site due to the steep slope of the land behind the hedgerow.

6. The building would be visible from the lane and the footpath, and it would be isolated from other buildings in the area. However, it would have the appearance of a rural building due to its simple form, low key roof and timber cladding. The excavations necessary to site the building would be relatively extensive due to the slope of the land. However, the result is that the building would be situated at the lowest level of the field, which would reduce its visual prominence. The hedgerow would provide screening during the summer months, although I appreciate that the development would still be visible in the immediate area. However, I do not consider that the building would be overly prominent in longer range views due to its siting towards the lower part of the field.
7. I saw from my site visit that rural buildings are not a common feature of the local landscape, although the houses towards the top of Whitewall Lane are noticeable due to their scale and location. Although the stable would be an isolated feature, it would be a rural building which would not be out of place in this locality.
8. The alterations to the access combined with the new tarmac entrance and hardstanding would reinforce the physical presence of the building. However, the stretch of tarmac would be restricted to a relatively short length, and the hardstanding and turning area would be screened to a certain extent by the building itself. I do not consider, therefore, that the ancillary works would have a material adverse effect on the character of the area.
9. Overall, I find that the development would conserve the landscape and scenic beauty of the AONB, to which I attach great weight in accordance with the National Planning Policy Framework.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition to specify the approved plans as this provides certainty. I have also imposed pre-commencement conditions to secure details of materials, boundary treatments and a landscaping scheme, and to restrict external lighting, which are necessary to protect the character and appearance of the countryside.
11. I have imposed a condition to restrict the use of the stables to ensure it remains domestic in scale and appropriate to the locality. I have also imposed the Council's suggested pre-commencement condition regarding the storage of manure, which is necessary in the interests of amenity.
12. I note the consultation response from the Highways Authority requesting a series of conditions regarding the provision of an improved site access and turning area. The Council has not suggested that these conditions should be imposed and, consequently, I am not satisfied that they are necessary.

Conclusion

13. I conclude that the development would conserve the natural beauty of the AONB. It would accord with Key Statement EN2 of the Ribble Valley Core Strategy 2008-2028 (adopted 2014), which seeks to protect, conserve and, where possible, enhance the landscape and character of the AONB, and Policies DMG1 and DMG2 of the Core Strategy which, amongst other things, seek to protect landscape character and amenity .
14. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector

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 Layout Ref 3323/102 and New Stable Building Ref 3323/100.
- 3) No development shall take place until details 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 details.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) 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 five 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.
- 6) The stables hereby permitted shall be used solely to accommodate the landowners' own horses and shall not be used for any commercial riding, livery, breeding or training purposes.
- 7) No external lighting shall be installed unless details have first been submitted to and improved in writing by the local planning authority. Any external lighting shall be implemented in accordance with the approved details.
- 8) No development shall take place until details of all boundary treatments/fencing 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 details.
- 9) No development shall take place until a scheme for the containment and storage of manure has been approved by the local planning authority. Such a scheme shall be constructed and completed in accordance with approved plans and maintained at all times thereafter.

[end]



Appeal Decision

Site visit made on 30 January 2018

by **Debbie Moore BSc (HONS) MCD MRTPI PGDip**

an Inspector appointed by the Secretary of State

Decision date: 15th February 2018

Appeal Ref: APP/T2350/W/17/3177986

Field adjoining Hellifield Road, Gisburn, Clitheroe, Lancashire

- 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 Godfrey Smith against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2017/0029, dated 22 December 2016, was refused by notice dated 14 March 2017.
 - The development proposed is described as "erection of steel frame livestock shed (100' x 40') on land at Hellifield Road, Gisburn, Nr Clitheroe".
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Decision

1. The appeal is allowed and planning permission is granted for "erection of steel frame livestock shed (100' x 40') on land at Hellifield Road, Gisburn, Nr Clitheroe" at Field adjoining Hellifield Road, Gisburn, Clitheroe, Lancashire in accordance with the terms of the application, Ref 3/2017/0029, dated 22 December 2016, subject to the conditions attached in the schedule to this Decision.

Applications for Costs

2. An application for costs was made by Ribble Valley Borough Council against Mr Godfrey Smith. And an application for costs was made by Mr Godfrey Smith against Ribble Valley Borough Council. The applications are the subject of separate Decisions.

Background and Main Issue

3. The planning application sought permission for a steel framed agricultural shed, comprising five bays. Information accompanying the application¹ indicated that the livestock shed would be used for handling a flock of 100 ewes with 200 lambs, handling and winter housing for 20 cows with 20 calves, storing fodder and bedding and keeping farm machinery secure.
4. The application was a re-submission following a previous refusal for a similar building, but on a different site.² The ADAS report commissioned by the Council,³ in relation to the previous application, noted a discrepancy in the size of the enterprise. However, this was partly due to the fact that the cattle enterprise had yet to be established, pending the outcome of the planning

¹ Agricultural Information Form, 17 January 2017

² Ref 3/2016/0661

³ Dated 10 October 2016

application. The ADAS report stated that it was necessary to look at the existing business, and planning permission should not be granted to erect an agricultural building to service an enterprise that does not exist yet. It appears that this advice led to the refusal of the subsequent planning application, as detailed in the banner heading above. The Council considered that there was insufficient evidence to demonstrate the required agricultural need for the building.

5. By the time the appeal was submitted in June 2017, it is stated that the sheep flock had increased to provide a viable farming enterprise. The cattle had not been purchased due to the lack of shelter. I understand that by August 2017 the ewe flock had increased to 157, with 87 lambs remaining. The appellant explained that the size of the enterprise fluctuates, but the aim is to diversify the business, as set out in the application. The appellant confirms his intention to purchase 20 cattle, and states that the building is required to house them during the winter.
6. Due to the expansion in the size of the enterprise, the Council has indicated that it accepts there is an agricultural justification.⁴ I have determined the appeal on this basis.
7. I note that a polytunnel has been erected on land opposite the site to house the sheep through the winter, and for lambing, apparently without planning permission. For the avoidance of doubt, I have confined my considerations to the agricultural shed, as this is the matter before me.
8. Having regard to all that I have seen and read, I consider the main issue to be whether the development is needed for the purposes of agriculture and, if this need is demonstrated, the effect of the development on the character and appearance of the area, in particular the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and designated heritage assets in the vicinity.

Reasons

9. As set out above, the parties agree that the development is needed for the purposes of agriculture. There is no information before me that leads me to a different conclusion. Therefore, I must go on to consider the effect of the development on the character and appearance of the area.
10. The agricultural building would be sited towards the north-eastern corner of the field, adjacent to the railway line and close to an area of woodland. The design and materials are appropriate to a rural building of this type, and it would not appear out-of-character in this countryside setting. Despite the size and scale of the building, it would be sited in a less prominent part of the field and the existing field access would be utilised. Although the development would be visible from Hellifield Road and the railway line, it would not be overly dominant in the wider landscape.
11. The site is close to the boundary of the AONB. Due to its siting, and the building's utilitarian form and design, I consider that the development would be in keeping with the landscape and character of the area. The development would conserve the natural beauty of the AONB.

⁴ Email from Council dated 11 January 2018

12. The site lies opposite Gisburne Park, a grade II registered Historic Park and Garden. This is an early 18th century formal garden and deer park associated with Gisburne Hall; overlain by an 18th century landscaped park. The park forms the setting for the grade I listed mansion and numerous other listed estate buildings. The site is visible from the historic park, but as it is physically distinct and separated by the road, I consider that its contribution to the setting of the designated heritage assets is neutral. The agricultural shed would be viewed against the backdrop of the railway line and woodland, and it would not harm the significance of the designated heritage assets. Consequently, I am satisfied that the development would preserve the setting to the registered historic park and garden, and the listed buildings contained therein.
13. To conclude, I find that it has been demonstrated that the development is needed for the purposes of agriculture, and there would be no adverse effect on the character and appearance of the area.

Conditions

14. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty (1, 2). I have not imposed the Council's suggested materials condition, as this information is specified on the approved plans so the condition is not necessary.
15. I have not imposed a condition to restrict the use of the building, as it has not been demonstrated that this is necessary, or that the statutory instrument referenced by the Council is relevant.
16. I have imposed a pre-commencement condition requiring a Risk Assessment and Method Statement, which is necessary due to the proximity of the railway line (3).
17. Finally, a drainage condition is necessary to ensure the satisfactory disposal of surface water (4).

Conclusion

18. I conclude that the development would conserve the natural beauty of the AONB, and there would be no harm to the significance of heritage assets in the vicinity. The development would accord with Key Statement EN2 of the Ribble Valley Core Strategy 2008-2028 (adopted 2014), which seeks to protect, conserve and, where possible, enhance the landscape and character of the AONB, and Policies DMG1 and DMG2 of the Core Strategy which, amongst other things, seek to protect landscape character and amenity .
19. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector

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: location plan Ref RT1, Elevations Ref RT2 and Floor Plan Ref RT3.
- 3) Development shall not commence until a Risk Assessment and Method Statement has been submitted to and approved in writing by the local planning authority. The Risk Assessment and Method Statement shall consider all works being undertaken within 10m of the operational railway. The development shall be implemented in full accordance with the details agreed.
- 4) The building hereby permitted shall not be brought into use until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The drainage works shall be maintained in accordance with the approved details thereafter.

[end]