



Appeal Decision

Site visit made on 18 June 2018

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 July 2018

Appeal Ref: APP/T2350/W/18/3198056

Browns Stables at Stockbridge, Knowles Brow, Hurst Green BB7 9QU

- 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 & Mrs Hough against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0009, dated 11 January 2018, was refused by notice dated 2 March 2018.
 - The development proposed is change of use of existing barn into a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address provided by the application form has been amended in subsequent documents. In the interest of certainty in terms of the building to which this appeal relates, I have adopted the site address given in the Council's decision notice which is consistent with the submitted plans and the evidence submitted in the appellant's statement of case.

Main Issues

3. The main issues of this appeal are:
 - Whether the building would be suitable for conversion to a dwelling with particular regard to its location and the character and appearance of the area, including the effect upon the Forest of Bowland Area of Outstanding Natural Beauty and the status of the building as a non-designated heritage asset, and;
 - The effect upon highway safety, with particular regard to access arrangements.

Reasons

Whether the building is suitable for conversion

4. The appeal site is designated within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and includes a former agricultural building consisting of stone walls, a slate roof and a single storey lean-to. The side gable wall of the building lies close to Knowles Brow, with a public footpath passing close to the rear of the building. The immediate surroundings are largely open and rural, although two terraced rows of cottages are visible further to the south on the

- opposite side of the road. The proposal seeks to convert the building to a single dwelling, together with the formation of a new residential curtilage and alterations to an existing field access to create a driveway.
5. Policy DMH3 of the Ribble Valley Borough Council Core Strategy 2008 - 2028 - A Local Plan for Ribble Valley (CS), adopted December 2014, relates to dwellings in the open countryside and AONB and limits residential development to, amongst other things, the appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. Policy DMH4 of the CS relates specifically to the conversion of barns and other buildings to dwellings and therefore, supplements the aforementioned relevant criteria of Policy DMH3. Policy DMH4, amongst other things, requires that the building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of a group of buildings, and there would be no materially damaging effect on the landscape qualities of the area.
 6. The appeal property is situated in an undulating rural landscape consisting of predominantly agricultural uses within the open countryside. The site is a considerable distance beyond the built envelope of the Hurst Green settlement and in a location where development is sporadic on Knowles Brow beyond Stonyhurst College. In that context, the building lies approximately 80m to the north of the nearest terraced row of properties on the opposite side of the road which are not part of a village envelope. As a consequence, the building is physically and visually removed from the closest group of buildings and therefore, isolated in the landscape and not part of a settlement. In that regard, the proposal conflicts with Policy DMH4. Furthermore, on that basis, the building would not be in a suitable location in the open countryside and the AONB resulting in associated conflict with Policy DMH3.
 7. In reaching the above findings, I have taken account of recent case law¹ relating to paragraph 55 of the National Planning Policy Framework (the Framework) and in that respect, to my mind, the proposal would fall within the definition of an isolated new home in the countryside given that it is physically separate and remote from a settlement. Paragraph 55 of the Framework seeks that such development be avoided unless there are very special circumstances, which include where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. Such matters relate to the effect on the character and appearance of the area and the AONB which I go on to consider.
 8. The application was accompanied by a heritage statement which identified that the building is considered to be a non-designated heritage asset due to its significance arising from its age (built around 1900) and external appearance as a late exemplar of good quality vernacular within the rural landscape. The building, therefore, is worthy of retention. Based on the evidence before me and observations during my visit, the building is structurally sound and capable of conversion, subject to some re-building and repairs to the front elevation, rear elevation and lean-to. Those specific works are indicated on the submitted plans and would not be extensive.

¹ Braintree DC v SSLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWHC Civ 610

9. The proposal would also re-use the existing openings on the front elevation which consist of two windows and a doorway at ground floor level and an opening above the doorway at first floor level. The existing doorway into the lean-to would be altered to create a new window, whilst a former opening on the side elevation above the lean-to and two existing openings in the roof would also be re-used. In addition, to ensure daylight to and outlook from a bedroom and lounge, the residential conversion would involve the insertion of a new window in the first floor of the side gable facing the road and the insertion of a ground floor window, doorway and rooflight on the rear elevation.
10. With regard to the above, the proposal would involve the insertion of new openings within the blank side gable facing the road and the unadorned rear elevation of the main building that would be visible from the public right of way. However, they would be discreet, sympathetic and subservient alterations that would not have an adverse impact on the building vernacular, its rural simplicity or historic character. In reaching that view, I have taken into account that the precise use of materials and the full details of the design of windows and rooflights would be capable of being suitably controlled by conditions.
11. Notwithstanding the above, the proposal also includes the formation of a residential curtilage at the front of the building, with a long driveway to an existing field access onto Knowles Brow. That part of the site is currently an open agricultural field visible behind the existing low stone boundary wall adjoining Knowles Brow and contributes to wider views of the undulating landscape when approaching along the road and the public right of way. In that context, the extent of residential curtilage proposed at the front of the building, together with the associated addition of gravel hardstanding, post and rail fence enclosures and the potential for domestic paraphernalia, such as washing lines, garden furniture and play equipment, would represent a prominent and harmful visual intrusion and urban encroachment into an area of open countryside. When taken in the context of its open, agricultural setting, the resultant domestic appearance of the site would appear incongruous with a harmful effect upon the landscape character of the AONB.
12. The use of planning conditions, including removal of permitted development rights or additional landscaping on the Knowles Brow frontage would not overcome the harm identified, given the prominence of the site from the public right of way which includes views from elevated positions.
13. In reaching the above findings, I have taken into account that the appellants' have referred to a number of barn conversions in the local area that have been previously granted permission by the Council, including those at Horrocks Barn and Morton House Barn. Nonetheless, the full circumstances which led to those developments being accepted are not before me and I observed that their relationship to other buildings is different to the proposal before me. In any case, I necessarily determine this appeal proposal on its own planning merits.
14. The evidence before me indicates that the conversion of the building to a dwelling would secure the retention of a building in the AONB that is a non-designated heritage asset. Nonetheless, whilst the appellant has indicated that the building has no association with surrounding agricultural uses, there is no substantive evidence submitted as part of the appeal which demonstrates that the building could not be re-used for those purposes. Furthermore, whilst the

structural appraisal indicates that some limited rebuilding is required, it does not indicate that the building is at risk of rapid deterioration or collapse. I, therefore, consider that the benefits arising from the proposed conversion upon the existing condition of the building do not outweigh the harm identified.

15. Having regard to all of the above, I conclude that the building would not be suitable for conversion to a dwelling as proposed, due to its isolated location and the encroachment of development into the open countryside which would harm the character and appearance of the area, thereby failing to conserve the landscape and scenic beauty of the Forest of Bowland AONB. The proposal, therefore, conflicts with Policies DMH3 and DHM4 of the CS as previously identified. It would also conflict with Key Statement EN2 which seeks to conserve the AONB and Policies DMG1, DMG2 and DME4 of the CS, which when taken together seek a high standard of design, protection of the character of the landscape in the open countryside and protection of heritage assets and their settings, including buildings of local heritage interest such as the proposal. For the same reasons, the proposal is also contrary to the Framework in those respects, including paragraphs 55 and 115.

Highway safety

16. Knowles Brow is an unmarked single carriageway road that is subject to national speed limit restrictions (60 mph) and has narrow grass verges fronting dry stone walls to each side. The site is located on the outside of a gentle curved alignment of the road which narrows at a bend to the north of the building. There is also an undulation in the road as it rises toward the properties to the south which reduces visibility in that direction. The Highway Authority have indicated that only a 2m by 62.5m visibility splay is available from the existing field access towards the bend due to the position of the building, which falls far below the visibility requirement for 60mph roads of 209m or 152m in special conditions. The appellant has not provided any evidence such as a speed survey and traffic counts so as to justify any reduction in the visibility splay requirements on Knowles Brow.
17. With regard to the above, during my visit I observed that Knowles Brow is a relatively lightly trafficked route. In existing circumstances, given the absence of intervening landscaping, vehicles leaving the site via the access would be visible for vehicles travelling to the south on the road due to the undulating land levels after passing the building. Furthermore, the inter-visibility would be assisted by the proposed widening of the access and kerb radii, notwithstanding the presence of an existing telegraph pole in a set back position. There would also be a turning area within the site to allow vehicles to enter and leave in forward gear. Nonetheless, there is no evidence to demonstrate that the visibility at the access would provide a safe stopping distance for vehicles if travelling along Knowles Brow at 60mph.
18. The visibility in a southern direction from the access is also constrained as a result of the upward slope of land levels and the associated height of existing boundary walls and vegetation on the grass verges beyond the site. Those obstructions, the alignment of the road and intervening landscaping on the downward slope towards the site after a crest in the road, partly conceal the site and existing access. As a consequence, there is currently limited visibility of and with oncoming vehicles in a location where the attention of drivers on Knowles Brow is drawn to the bend ahead and the associated signage close to

the building. The removal of current obstructions near to the existing access to the south may be capable of improving the existing visibility splays in that direction. However, those details have not been provided and may include land beyond the appellants' ownership or control. In such circumstances, the information before me is insufficient to demonstrate that adequate visibility splays could be provided toward the south to ensure a safe and suitable access to and from the site.

19. In the context of the above, it is reasonable that the use of the access to serve the dwelling would be much more frequent than its sporadic use as an access to the agricultural field at present. Furthermore, most vehicles using the driveway would likely have a different field of vision to typical agricultural vehicles. I, therefore, consider that the proposal, in requiring a more intensive use of an access with constrained visibility, would be likely to result in an increased risk of accidents which would be harmful to highway safety.
20. In reaching the above findings, I have taken into account that some existing accesses to residential properties in the local area also have constrained visibility. However, such matters do not justify allowing a more intensive use of an existing access with sub-standard visibility where it would result in an unacceptable increase to the risk of accidents. In the absence of evidence that suitable visibility splays at the access could be achieved, the potential harm identified could not be overcome through the use of planning conditions.
21. I conclude that the proposal has failed to demonstrate that a safe and suitable access to serve the development could be achieved so as to avoid a detrimental impact upon highway safety. The proposal conflicts with Policy DMG1 of the CS and the Framework in that respect.

Other Matters

22. The development would make a positive contribution to housing supply in Ribble Valley and the evidence before me indicates that utilities are in place to serve the building. However, the benefits of the contribution to meeting the housing requirements of Ribble Valley, whilst supporting local services, businesses and the employment market, including during construction, would be limited by the scale of development proposed. Consequently, those benefits do not outweigh the conflict with the development plan and the Framework.
23. The development would not have an adverse impact upon ecology and biodiversity provided that suitable conditions were imposed if the appeal were allowed to ensure the provision of an emergence survey and any associated mitigation measures that may be necessary. Such a requirement reflects a precautionary approach given that the building has potential to support bat roosts, together with the suitability and connectivity of habitats in its surroundings. However, the absence of concern in that respect is a neutral factor.

Conclusion

24. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR



Appeal Decision

Site visit made on 10 July 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2018

Appeal Ref: APP/T2350/W/18/3194802

Land at 46 Higher Road, Longridge PR3 3SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Miller against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2017/0675, dated 14 July 2017, was refused by notice dated 26 October 2017.
 - The development proposed is outline residential development including access all other matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration, except for access. I have considered the appeal on this basis. Plans submitted with the application indicate the proposed access arrangements and the proposed location of two detached dwellings and two detached garages. I have considered the plans on an illustrative basis only, except for the proposed access arrangements.
3. Reference was made in the evidence to an outline planning application proposing the erection of 123 no. dwellings on land at Higher Lane, Longridge PR3 3SY¹ (the Higher Lane scheme). This site is to the north-east and it was subject of a hearing on 17 April 2018. A decision has subsequently been issued. As a result, I provided the parties with an opportunity to comment on the relevance of this decision in respect of the appeal before me. No response was forthcoming from the Council, but I have had regard to the submission made by the appellant.

Application for costs

4. An application for costs was made by Mr A Miller against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Background

5. In 2012 the appeal site was the subject of an appeal decision² relating to an outline application to erect two detached dwellings with detached garages. That appeal was dismissed due to the scheme's conflict with saved Policies G1

¹ Appeal Decision Ref: APP/T2350/W/17/3186969

² Appeal Decision Ref: APP/T2350/A/11/2163951

and G6 of the Ribble Valley Districtwide Local Plan (LP). The LP has since been replaced by the Core Strategy 2008 – 2028 A Local Plan for Ribble Valley (Core Strategy). The Core Strategy is now the Development Plan for the administrative area of Ribble Valley.

Main Issues

6. The main issues are the effect of the proposed development on: (i) the visual amenity and character of the area; and (ii) the setting of the listed building and the Longridge Conservation Area (LCA).

Reasons

Visual amenity and character

7. The appeal site is land associated with, and to the rear of, 46 Higher Road. The site adjoins the rear garden areas of properties on Higher Road. The area of land is within the settlement boundary of Longridge. Ground levels gradually fall from Higher Road towards the rear of the site, which is lined by a mixture of trees and shrubs. The surrounding area is predominately residential in character, with properties on Higher Road largely displaying a linear pattern of development. Properties on Higher Road are of a varied type, style and appearance. A number of properties, including the appeal site, have spacious landscaped rear gardens.
8. To the south-west of the site, Higher Road and Dilworth Lane diverge from a junction with King Street. A linear form of development is evident along both of the roads, which lead out of Longridge to the east and north-east. However, a development of 195 dwellings is currently being built out on land Dilworth Lane to the south-east and outline planning permission has recently been granted for the Higher lane scheme. This scheme would occupy land stretching behind the linear development on the south-eastern side of Higher Lane from the rear of Broom Hill to the north-east.
9. At the time of the 2012 appeal decision on the appeal site, development on Higher Road and Dilworth Lane was restricted to linear roadside development, except for a small building to the rear of Club Row and small ancillary buildings to the rear of dwellings on Dilworth Lane. The 2012 appeal decision referred to this development being complemented by the open and undeveloped triangle of land behind the dwellings on both roads. As a result, the 2012 scheme was concluded to be directly contrary to the linear nature of development in the area bounded by the two roads.
10. The Council accept that the Dilworth Lane development represents a significant change in circumstances since the 2012 appeal decision. I agree. However, the appellant's Landscape and Visual Appraisal (LVA) explains that, whilst this development has compromised the integrity of the green wedge, there is only limited intervisibility between the two sites. Based on my observations on site, I agree with this stance, which also reflects the view of the Council and the previous Inspector.
11. Two new dwellings on the appeal site would introduce built development on greenfield land that currently forms part of the garden of No 46. The site, in tandem with neighbouring residential gardens contributes to an open character to the rear of the dwellings fronting this part of Higher Road. This openness is, however, relative to the confines of the site and adjacent residential gardens

- due to the presence of mature trees and shrubs.
12. The Higher Lane scheme also has the potential to individually or cumulatively significantly change the visual amenity and character of the triangular area behind the roadside linear development on the two roads. Nevertheless, the extent of this effect is presently unclear insofar as the Higher Lane scheme as the LVA did not assess its impact in relation to the proposed development. It seems that this area of land would be well screened from the appeal site by existing trees and shrubs which the LVA indicates would be retained. Added to this, the Higher Lane scheme was only granted outline planning permission with all other matters, such as appearance, landscaping, layout and scale reserved for future consideration. Thus, I do not know how this development, in tandem with the Dilworth Lane development, could lead to the appeal scheme forming part of a much wider extent of built form that would be different to the roadside linear development near to the appeal site.
 13. Given this, and in any event, a pocket of land to the rear of Club Row and 46 to 50 would remain. The proposal would, in this regard, be a form of backland development and it would, to an extent, not be sympathetic to the use of this existing stretch of land. It would, at the least, have a slight-moderate adverse effect on the visual amenity and character of the area. Landscaping may lessen the effects of the proposed development, but the built form, based on the evidence before me, would still not be sympathetic to existing land uses.
 14. I conclude, on this issue, that the proposal development would harm the visual amenity and character of the area. Consequently, the proposal would conflict with Core Strategy Policy DMG1 which states that in determining planning applications, all development must: be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.

Listed building and the LCA

15. To the south-west of No 46 and fronting on to the pavement to Higher Road is a terrace of two-storey cottages, Club Row, which is a Grade II listed building that is situated in the LCA. The appeal site is, however, outside the LCA.
16. Club Row was built around 1800. The setting of the terrace remains largely as it was when the terrace was originally built. Small gardens are to the rear of the terrace, which limit the extent of this setting. Views from the terrace are of undulating landscape, but I agree with the view expressed in the 2012 appeal decision that this is likely to be a matter of accident rather than design. There is also no suggestion that views into or out of the setting of Club Row are important to its historical interest. There is no historical, functional or physical association between any land outside the setting of the listed building and Club Row. Hence, the proposal would not result in harm to the setting of Club Row.
17. The area of land stretching between the appeal site and Dilworth Road is undeveloped. However, there are no public views across this area of land, and there are no views that are important to the setting of the LCA. Development of the appeal site would affect the openness of the triangular area of land, but it would not harm the setting of the LCA.
18. On this issue, I conclude, that the proposed development would preserve the setting of the listed building and the LCA. The proposal would therefore not conflict with Core Strategy Key Statement EN5, Core Strategy Policies DMG1

and DME4, together with paragraph 132 of the National Planning Policy Framework (the Framework); which jointly seek, among other things, development proposals to conserve and enhance the significance of heritage assets and avoid substantial harm to them.

Planning Balance

19. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with Core Strategy Policy DMG1 in terms of the development's effect on the visual amenity and character of the area. Significant harm would arise from this conflict which would traverse the social and environmental roles.
20. Development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. Although the Council confirmed that they could demonstrate a 5.9 year supply of deliverable housing sites as required by Framework paragraph 47, circumstances have changed since their Appeal Statement was submitted. The Higher Lane appeal decision established that the Council could, for the time being, could only demonstrate a deliverable housing land supply of between 4.5 years to 4.7 years, including the scheme that was subject of that appeal.
21. Residents recognise the need for consistent decision-making, and confidence in the planning system is reliant on this approach. Although various planning permissions for houses in the Longridge area may have been granted, the findings of the Higher Lane appeal decision post-date this evidence. As such, it represents the most up-to-date information before me, and the Council have not disputed its findings. There is also no evidence to indicate that the position has changed since that decision was made. As a result, the appeal should be determined in the context of Framework paragraph 14. The balancing exercise in Framework paragraph 14 is a 'tilted balance' because planning permission must be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The proposal would make a modest contribution to the supply of housing in an accessible location that is near to a range of facilities and services. Even though the Council is currently unable to demonstrate a five-year deliverable housing supply, and the Framework does seek to significantly boost the supply of housing. The proposal would in this respect lead to a limited social benefit. There would also be limited economic benefits in the form of jobs within the construction industry and the associated supply chain, and increased spending in local shops and businesses.
23. There is no reason to believe that the proposal could not be suitably designed, having regard to the site, and its surroundings, which include the listed building and the LCA. As these matters are reserved, they do not carry weight for or against the development at this time.
24. The development would result in a modest increase in traffic, but this could be accommodated on Higher Road and the nearby road network without resulting in a severe impact. Sufficient parking provision within the site would allow vehicles to enter and leave Higher Road in forward gear. Two vehicle waiting areas would be formed that would allow vehicles to pass one another off the highway. At the junction of the site and Higher Road, adequate visibility splays

- would be provided in both directions, thereby ensuring the safety for all highway users, even if, as it is suggested, Higher Road has been identified as a high speed road. A bin refuge area would allow existing and future occupants refuse to be placed kerbside ready for collection. Given the layout of properties on Higher Road this would reflect the existing arrangement. The proposal would not therefore result in a severe impact on highway and pedestrian safety despite the concerns raised. I note the highway authority, did not raise concern with the proposal. These matters carry neutral weight.
25. I note concerns about flooding and drainage. The appellant's Drainage Statement infers that surface water would be discharged to soakaways on the site, subject to infiltration tests, or discharged into the existing sewer at a greenfield rate of discharge. These details are capable of being secured by conditions. Thus, the proposed development would not increase the risk of flooding to surrounding properties, subject to the suitability of the detailed site layout as part of the reserved matters, and the provision of details regarding foul and surface water drainage measures. Although the access may extend over an existing combined sewer, this land is already used to provide access to No 46. I attach these considerations neutral weight in the planning balance.
26. I understand points around the effect of the dwelling's construction, and while I recognise there is likely to be traffic, noise, dust and disruption, the effects of this would be temporary. There would not be a long lasting effect on the heritage assets. The construction phase could also be suitably controlled to prevent unacceptable impacts through a Construction Method Statement.
27. The proposal would result in vehicular movements to the rear of properties on Higher Road. I have no doubt that this would create noise and disturbance for residents nearby, but the number of extra movements would be limited and good interface distances would be retained to parking and circulation areas, which would lessen any effect created by the development. On this basis, residents would be likely to have a good standard of living conditions.
28. The proposal could potentially be laid out so that there are substantial interface distances between rear elevations of properties fronting Higher Road. This could ensure occupants privacy, notwithstanding the ground level differences that would likely mean that properties on Higher Road would be elevated above the new houses. Consequently, occupants could well receive a good standard of sun and daylight. Overlooking is likely to occur regardless of whatever scheme is potentially advanced by the appellant, but this is not an uncommon relationship in the locality. However, the appeal scheme has been submitted in outline, with all matters, except for access reserved for future consideration. Thus, despite residents' concerns about privacy, overlooking, sun and daylight, these are matters for any reserved matters scheme. It is suggested by an interested party that asbestos has been buried on the site. There is, however, no substantive evidence of this either way. These matters carry a neutral weight in the planning balance.
29. The Ecological Appraisal submitted with the application found no substantive evidence of any protected species within the site or the surrounding area that would be negatively affected by the proposal. The Arboricultural Impact Assessment identified that the illustrative layout would require the removal of one low quality tree, two low quality groups, and part of one low quality hedge. However, new tree planting could be conditioned, notwithstanding my view expressed in the first main issue. Based upon the evidence before me, I have

no reason to take a different view to these two assessments. As a result, subject to suitable conditions, the proposed development would not have an adverse impact upon ecology and biodiversity. A limited benefit would arise.

30. Drawing these matters together, I consider that the adverse impacts of allowing this appeal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. The proposal does not represent sustainable development when assessed against the Framework as a whole. Although my findings do not wholly accord with those made in the Higher Road appeal decision, this scheme involved a far greater number of houses. I therefore find that there are no material considerations which indicate that the proposal should be determined otherwise than in accordance with the development plan and planning permission, therefore, should be refused.

Conclusion

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

Andrew McGlone

INSPECTOR



Costs Decision

Site visit made on 10 July 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2018

Costs application in relation to Appeal Ref: APP/T2350/W/18/3194802 Land at 46 Higher Road, Longridge PR3 3SX

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr A Miller for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the refusal of planning permission for outline residential development including access all other matters reserved.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. To be successful, an application for costs needs to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense in order to be successful. Parties in the appeal process are normally expected to meet their own expenses, and costs may not be claimed for the period during the determination of the planning application.
3. The applicant considers, having regard to Paragraph: 049 Reference ID: 16-49-20140306 of the Guidance, that the Council has prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failed to produce evidence to substantiate each reason for refusal on appeal; made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and not reviewed their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
4. I note that the main parties engaged in pre-application discussions before the planning application subject of the appeal was lodged. This is within the spirit of co-operation encouraged by the Guidance and the National Planning Policy Framework (the Framework). While, it is helpful if a consistent approach is taken, the Council is not, despite the views expressed, bound by any pre-application advice when it comes to considering the planning application. I note the applicant is not aggrieved with the pre-application response provided by the Council. The Council must, however, substantiate their reasons for refusing planning permission.

5. Given the site's planning history, which includes an earlier appeal decision in 2012, the Council was correct to consider whether circumstances have changed since this decision, having regard to the development proposal before them. I understand why comparisons were drawn to policies in the Ribble Valley Districtwide Local Plan, but this in some respects led to a confusing analysis. Even so, the Council did take into account the current development plan policies in refusing planning permission and set out their reasons why. Their stance also had regard to the development at Dilworth Lane, which was, as they accepted, a significant change since 2012.
6. While the applicant suggests that the Council failed to produce evidence to substantiate each reason for refusal on appeal; and made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis, this is not a view that I share. The applicant's points centre on the Council's approach to the planning application. Costs may not, however, be claimed for the period during the determination of the planning application. In any event, the Council set out their concerns and substantiated the reason for refusal relating to the proposal's effect on the visual amenity and character of the area, having regard to the development plan.
7. However, in refusing planning permission, it is unclear whether regard was given to the outline scheme at Higher Lane, especially given that the pre-application response acknowledged that it was relevant. Furthermore, the Council did not respond to the appeal decision¹ that was issued in respect of the Higher Lane scheme. I recognise that this scheme was subject of a hearing after the Council submitted their evidence for the appeal, but they were given an opportunity to comment on this decision's relevance to the appeal scheme. The outcome of the Higher Lane appeal had an implication in respect of the Council's ability to demonstrate a five-year deliverable housing supply, and in turn the approach to decision-making in terms of Framework paragraph 14.
8. In this regard, the Council did not review their case following the lodging of an appeal against refusal of planning permission. However, even if they had, the evidence before me did not suggest that it would have changed their view about the proposal's effect on the visual amenity and character of the area and the conflict that this caused with the development plan. Hence, the applicant has not been put to unnecessary expense in advancing their case given that most of the appeal documentation had already been submitted. Responses made after the Higher Lane decision is work that parties are normally expected to meet at their own expense. Furthermore, the outcome of an appeal, such as at Higher Lane, does not automatically mean that the same stance should be taken in respect of the balancing exercise warranted by Framework paragraph 14. Evidently, the two schemes are of different scales, and as such the weight which could be afforded to different aspects of the two schemes could not be exactly the same; it is a matter of judgement.
9. The Guidance explains that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application.

¹ Appeal Decision Ref: APP/T2350/W/17/3186969

Conclusion

10. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

Andrew McGlone

INSPECTOR