



Appeal Decision

Site visit made on 18 March 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2019

Appeal Ref: APP/T2350/D/18/3217507

39 Castle View, Clitheroe, BB7 2DT

- 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 Sweeney against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0816, dated 13 August 2018, was refused by notice dated 6 November 2018.
 - The development proposed is new dormer windows to front and rear elevation.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the original planning application form however, I have omitted the word re-submission and 39 Castle View as these are not acts of development, in the interests of clarity.

Main Issue

3. On the basis of the submitted evidence, I consider the main issue is the effect of the proposed front dormer on the character and appearance of the house and area generally.

Reasons

4. The appeal property is a mid-terrace house. This terrace of houses and the terraces on either side are of traditional appearance and whilst some modern materials have been incorporated, they retain their traditional appearance and a pleasing balanced form. Front dormers are not a feature in this terrace.
5. Despite the sympathetic design, due to its siting, I find that the proposed front dormer would be an unduly incongruous feature within the roofscape, which would unbalance the overall appearance of the terrace of houses of which it forms a part.
6. The proposed front dormer would also be readily visible in public views on the approach along Castle View and facing the terrace, and as a result would cause significant harm to the appearance of the house, the terrace of houses which it forms a part of, and the wider street scene.

7. My attention has been drawn to other dormers, of varying appearance on two terraces further south along Castle View. The Council have no record of those being permitted, and in any event, I do not consider that the existence of these dormers justifies the further erosion of the character of the street scene which would be caused by the front dormer.
8. For the reasons set out above, I conclude that the proposed front dormer would cause harm to the character and appearance of the house and surrounding area contrary to Policies DMG1 and DMH5 of the Ribble Valley Borough Council Core Strategy 2008 – 2028 A Local Plan for Ribble Valley Adopted Version, which together seek a high standard of design.

Conclusion

9. For the reasons set out above, the appeal is dismissed.

Felicity Thompson

INSPECTOR



Appeal Decision

Site visit made on 23 April 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th May 2019

Appeal Ref: APP/T2350/W/19/3221621

Daniels Farm, Preston Road, Alston, Preston, PR3 3BL

- 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 Neil Forshaw against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0915, dated 24 September 2018, was refused by notice dated 26 November 2018.
 - The development proposed is outline application for a residential development of 3no. dwellings, following demolition of agricultural buildings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted in outline with all matters except for access reserved for determination at a later date. I have considered the appeal on this basis. An indicative block plan has been submitted but I have treated this as being illustrative as layout is a reserved matter.

Main Issue

3. The main issue is whether the site is a suitable location for the proposed development having regard to the development strategy for the area and the effect on character and appearance.

Reasons

4. The appeal site consists of three relatively modern agricultural buildings, in various states of repair, which form a farmstead known as Daniel's Farm. The Farmstead is accessed off a lane from the B6243 Preston Road which also serves three dwellings and carries a public right of way (PROW) which passes through the appeal site. The three dwellings are detached, arranged in a sporadic layout, two of which are in close proximity to the appeal site. Beyond the farmstead and neighbouring dwellings is open countryside.
5. Key Statement DS1 of the Ribble Valley Core Strategy (the Core Strategy) seeks to guide development to the most appropriate locations within a series of identified settlements. There is no dispute between the parties that for development plan policy purposes the site is located in the open countryside. Policy DMG2 of the Core Strategy indicates, amongst other things, that

development in the open countryside will be required to be in keeping with the character of the landscape. Policy DMH3 of the Core Strategy sets out the exceptional circumstances under which dwellings in the open countryside may be permitted. None of these apply in this particular instance and this fact is not disputed.

6. The appeal site is located around 500m from the settlement boundary of Longridge, which is one of three principal settlements where the majority of new housing development will be concentrated, as set out in Key Statement DS1 of the Core Strategy. Notwithstanding the development of 256 dwellings on land west of the Preston Road, which the appellant states would result in the site being around 250m from the settlement boundary of Longridge, the appeal site is much more closely aligned with its surrounding rural characteristics than the much more built up settlement of Longridge. Furthermore, whilst the Council state that the 256 houses may be included in its extended settlement boundary, the appeal site would not.
7. Whilst the proposed dwellings would be seen in context with a small group of dwellings, along with the other domestic paraphernalia that would be likely to appear, the proposed development would significantly change the appearance of the site, having an urbanising effect upon it. The proposal would amount to significant new development in the open countryside and would not maintain the intrinsic character and beauty of the countryside.
8. Although the proposal would result in the removal of fairly dilapidated buildings, they are typical farm buildings which are common place in rural settings and do not visually impact upon the site and its surroundings to the same extent as would the proposed development. Further, there is no evidence to demonstrate that the use of the buildings causes harm to the living conditions of the occupants of surrounding dwellings. Therefore, I have given these matters only minimal weight and find that their existence provides little justification for the development now proposed which would have a significant impact upon the character and appearance of the countryside.
9. Each proposal should be considered on its own merits however, given the harm I have found to result, I recognise that the implementation of further similar proposals could have a very significant cumulative effect upon the intrinsic character and beauty of the countryside.
10. For the reasons set out above, the proposal would be contrary to the overall spatial strategy and landscape character and countryside protection aims of Key Statement DS1, Policies DMG2 and DMH3 and Key Statement DS2 of the Core Strategy which reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (the Framework). It would also conflict with the aims of the Framework to enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
11. The appellant has referred to paragraph 79 of the Framework in respect of one of the exceptions for the development of isolated homes in the countryside however, the proposal is not for a re-use of buildings and therefore this is not relevant to the proposal and weighs neither for nor against it.

Other Matters

12. The appellant contends that a fallback position is the conversion of the buildings. I have had regard to case law¹ referred to by the appellant. It is clear that in every case the 'real' prospect of a fallback development being implemented is not dependent on, in this case, prior approval or planning permission having been granted for that development. However, the judgement is clear that in respect of the degree of clarity and commitment necessary it will always be a matter for the decision makers planning judgement in the particular circumstances of the case in hand.
13. Policy DMH3 of the Core Strategy sets out the circumstances under which planning permission for new development in the open countryside or AONB will be granted including, amongst others, 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 Core Strategy relates to the conversion of barns and other buildings to dwellings and sets out criteria which must be met, including amongst others, the character of the building and its materials are appropriate to its surroundings and the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting.
14. It seems to me being relatively modern buildings of no particular architectural merit, as acknowledged by the appellant, or intrinsic interest, that any such proposal to convert them would not accord with Policy DMH4 of the Core Strategy.
15. I have had regard to the submitted structural survey however, it is not for me in the context of an appeal made under section 78 of the Town and Country Planning Act 1990, to determine whether the conversion of the buildings would constitute permitted development.
16. In the absence of planning permission or prior approval having been granted there is a degree of uncertainty as to whether the fallback could be implemented. Furthermore, the appellant appears to have a desire for a development of a particular layout. It seems to me that converting the buildings would at least fall short of the sought-after layout. For these reasons I attach limited weight to the permitted fallback position.

Planning balance

17. The Council state that they are able to demonstrate a housing land supply equivalent to 6.1 years. The appellant contends this but provides no substantive contrary evidence.
18. Even if I were to accept the appellant's position, whilst the site is reasonably well located in respect of the distance to Longridge and bus stops with services to Preston, the proposed development would only make a very modest contribution to the supply of housing in the Borough. In my view, the adverse impacts of the proposed development would significantly and demonstrably outweigh this limited benefit. Therefore, the proposal would not be sustainable development as envisaged by the Framework. The conflict with the development plan is not outweighed by other considerations including the Framework.

¹ *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314

Other Matters

19. That the large gardens would have the potential to bring ecological gains is a neutral matter which cannot outweigh my earlier findings.

Conclusion

20. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Felicity Thompson

INSPECTOR