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## Appeal Decision

Site visit made on 22 May 2020

**by R Cooper BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 19 June 2020**

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**Appeal Ref: APP/T2350/W/20/3246080**

**Land at Oakhaven, Showley Road, Clayton Le Dale BB1 9DP**

- 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 & Mrs Johnson against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2019/0556, dated 17 June 2019, was refused by notice dated 2 August 2019.
  - The development proposed is the construction of three dwellings following the demolition of existing buildings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline with details of access only, all other matters are reserved for future consideration. The submitted plans show the layout of the site and the dwellings, I have treated these as indicative only.

### Main Issues

3. The main issues are:
  - whether the appeal site would be a suitable location for housing, having regard to development plan policies relating to the location of development and proximity of services;
  - the effect of the proposed development on the character and appearance of the area; and
  - the effect of the development on highway safety with regard to vehicle access.

### Reasons

#### *Suitability of Location*

4. The appeal site is in open countryside, outside of the settlement boundaries shown on the proposals map for the area. Key Statement DS1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley (2014) (the CS), states development will need to meet proven local needs, deliver regeneration benefits or satisfy neighbourhood planning legislation. Proposals must also meet at least one of the considerations in Policy DMG2, and satisfy the criteria

set out in Policy DMH3 of the CS. Paragraph 79 of the National Planning Policy Framework (the Framework) seeks to avoid the development of isolated homes in the countryside.

5. There are a small number of houses near the appeal site, however, these are well spaced apart, and the area is sparsely developed. The nearest settlements providing day to day shops and services are located at Mellor, Mellor Brook and Wilpshire. The distance and separation of the site from these settlements is apparent when traveling along the A59, and Showley Road through open countryside. Although there are a small number of pubs and restaurants nearer to the site, these facilities would not meet the day to day needs of future occupants. Therefore, the site is both physically and functionally isolated in this regard.
6. Pedestrians and cyclists traveling to and from the site would need to use Showley Road, this has a narrow carriageway, and does not benefit from footpaths or street lighting. It is unsuitable and would deter occupants from walking or cycling. Also, the nearest bus stop is a significant distance away on the A59. Therefore, they would be reliant upon private motorised transport.
7. Turning to social and economic benefits, the proposal would provide additional homes, a small amount of direct and indirect employment, some additional local spending, council tax and new homes bonus receipts. However, overall this would provide limited support to the vitality of the rural community and nearby villages, due to the small number of dwellings proposed, the location of the site and the access constraints.
8. With regards to need, the appellants have provided supporting information and a socio economic profile of the area. However, this does not demonstrate that the proposal accords with the definition of local needs housing, which is defined in the Glossary in the CS. There is no substantive evidence before me that the proposal is essential to the local economy or social wellbeing of the area.
9. In terms of regeneration, the site is currently in use, and at the site visit I saw that the building was well-kept and not in such a condition that its redevelopment would be beneficial to the area. I also note the suggested materials and landscaping proposals. However, these are indicative and appear to be mitigation rather than enhancement to aid regeneration.
10. Based on the evidence before me there is no neighbourhood plan for the area, and it has not been advanced that the appeal proposal would satisfy neighbourhood planning legislation.
11. For the foregoing reasons, the site would not be a suitable location for housing. It would not accord with Key Statements DS1, DS2 and DMI2, Policies DMG2, DMG3 and DMH3 of the CS which collectively seek to direct new development to sustainable locations, maintain the vitality of rural communities, and reduce the reliance on use of the car. It is also inconsistent with paragraphs 78 and 79 of the Framework which seek to locate housing where it will enhance or maintain the vitality of rural communities, and to avoid the development of isolated homes in the countryside.

#### *Character and Appearance*

12. The surrounding area is characterised by open fields, hedgerows, and sparsely located buildings. The existing building is positioned centrally within the appeal

site, it is agricultural in appearance and largely covered in climbing plants. As such, the building blends into the landscape and makes a positive contribution to the prevailing rural character and appearance of the area.

13. In contrast, the proposed development of up to 3 dwellings would appear relatively dense in comparison to the otherwise sporadic nature of housing in the area. This combined with the associated private gardens and domestic paraphernalia, would have an urbanising affect.
14. Whilst the scale, design and appearance are reserved, this does not lessen my concern that the dwellings would appear unduly imposing and incongruous in this otherwise open and rural location, particularly when viewed from Showley Road and the Public Right of Way (PRoW) which crosses the adjacent field.
15. The landscape appraisal highlights key landscape features that would be retained and identifies opportunities for enhancement. However, in my view this would not be an improvement on a site that is in keeping with its surroundings. The introduction of the dwellings would not respect the prevailing rural character and appearance of the immediate area.
16. I conclude that the proposed development would harm the character and appearance of the area. As such it would not accord with Key Statement EN2 and policies DMG1, DMG2 and DMH3 of the CS, which collectively seek to ensure that new development is of an appropriate scale and design, respects local character and integrates with its surroundings.

#### *Highway Safety*

17. The proposal is to utilise the existing vehicle access. This has poor visibility due to the proximity and height of the adjacent boundary hedges, and the curvature of Showley Road. In particular, when exiting the property sightlines to the right are obscured, this prevents visibility of oncoming traffic, and impedes inter-visibility with pedestrians and cyclists.
18. Therefore, based on the evidence before me, reinforced by the site visit, alterations would be required to the existing access arrangements by either reducing in height, removal or re-aligning the adjacent hedgerow. In my view this would be necessary to ensure the safety of highway users.
19. The Local Highway Authority (HA) have specified a visibility splay, and the appellants have provided an illustrative plan. However, there is no evidence before me to demonstrate that this land is within the ownership or control of the appellants, consequently there is no feasible way to secure the required works.
20. The appellants' claim that the current stables on site would attract greater volumes of traffic, and larger vehicles. However, this has not been substantiated in the evidence before me, and the stables do not benefit from planning permission. This does not assuage my highway safety concerns.
21. On this basis, the proposed development would have an unacceptable impact on highway safety, such that it would not accord with Policy DMG1 of the CS, that states all development must ensure safe access, which is suitable to accommodate the scale and type of traffic to be generated.

22. The Council have referred to Policy DMG3 in the reason for refusal, however this Policy relates to transport and mobility and is therefore not relevant to this main issue.

### **Other Matters**

23. The parties dispute whether the site is greenfield or brownfield. Even if I were to accept the appellants' case that the site is brownfield, the limited positive weight that this factor would attract would not outweigh the totality of harm that I have identified in my findings above.

24. I have taken into account the High Court Decision<sup>1</sup> regarding housing provision beyond the Council's 5 year housing land supply being a material consideration. In my view the proposal would provide additional benefits to housing, however, given the number proposed these benefits would be small. Therefore, this is attributed limited weight, which would not outweigh the harm identified above.

25. I have considered the imposition of a condition for electric vehicle charging, paragraph 103 of the Framework and the Feniton<sup>2</sup> case. Whilst development in rural areas is unlikely to offer the same opportunities for promoting sustainable modes of transport as development in urban areas, this does not alter my findings with regards to the suitability of location.

### **Conclusion**

26. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

*R Cooper*

INSPECTOR

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<sup>1</sup> CO/1470/2019

<sup>2</sup> APP/U1105/A/13/2191905



## Appeal Decision

Site visit made on 16 June 2020

**by Robert Hitchcock BSc DipCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

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**Appeal Ref: APP/T2350/D/20/3250603**

**Fairclough Barn, Loud Bridge Road, Chipping PR3 2NX**

- 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 Gavin Baker against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2020/0037, dated 7 January 2020, was refused by notice dated 27 February 2020.
  - The development proposed is a two storey side extension following removal of existing conservatory.
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### Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension following removal of existing conservatory subject to the following conditions:
  - 1) The development must be begun not later than three years beginning with the date of this permission.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan stamped 320200037P by the Council and plan LF/GB/3410.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.

### Preliminary Matter

2. At the time of my site visit a previous extension to the gable end of the barn shown on the submitted plans had been removed. Some works had taken place in the construction of a replacement extension. A number of deviations were apparent between the constructed development and the submitted plans. For the avoidance of doubt, this appeal is determined on the basis of the plans as submitted with the planning application, as referred to above.

### Main Issues

3. The main issue is the effect of the development on the character and appearance of the building and its locality.

### Reasons

4. The building is a traditional stone and slate barn converted to a residential dwelling. It is located within an isolated cluster of mixed development in an undulating open rural landscape. The barn retains much of its original character and features but has had several alterations to facilitate the current residential

- use. These include new or altered openings, modern rooflights and new treatments to the openings.
5. The Council have identified the building as a non-designated heritage asset. Paragraph 197 of the National Planning Policy Framework (the Framework) requires that the effect of the proposed development on the significance of the building should be considered. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss, and the significance of the heritage asset.
  6. The proposed two-storey extension would maintain a simple form that would reflect that of the historic barn. The scale of the extension would represent a modest proportion of the volume and footprint of the existing building such that it would not appear disproportionate to or dominate it.
  7. The overall massing would inevitably increase but this would compare favourably to other built development within the existing cluster. I observed that the elongation of the building and degree of extension are comparable to other examples of extended traditional barns and linear buildings visible in the area. The proposal would thus retain a characteristic form and scale that would not appear incongruous in the locality.
  8. The siting of the extension would mask several of the existing openings in the southern gable, including a small nest opening close to the apex. Aside from the nest aperture, it is unclear from the evidence before me if the remainder were original openings or not. However, the main parties have drawn my attention to a recent planning permission, ref. 3/2020/0037, for an alternative single storey extension in the same location. That proposal would equally mask a substantial part of the gable and the existing openings within it, apart from the nest aperture, which is proposed to be replicated within the new gable. Accordingly, I conclude that the direct effect of the extension to the existing building would be limited.
  9. The current proposal includes a small number of new openings to the front and rear elevations. These reflect the scale, proportions and arrangement of other openings on the converted building such that they would suitably integrate with it.
  10. Conversely, the new southern gable would incorporate two large openings at ground and first floor levels. The edge treatment of the openings would be faithful to those of the existing building but they would have neither the typical traditional arrangement or proportions of the existing openings visible on the barn. Whilst these would not change the overall form of development, they would lack consistency with the architectural detailing of the original building.
  11. However, I am mindful that the extant planning permission would introduce a similar opening and modern glazing system to the ground floor, and a row of modern rooflights within a new roof slope above it. Moreover, any additional effect arising from the upper floor opening would be mitigated to a large extent by the fact that it would be orientated away from the road. The arrangement of local development, public roads, land profile and boundary treatments would significantly restrict public views of the southern openings to those over a considerable distance from the south.

12. Accordingly, whilst some limited harm would arise from the proportioning of the new openings on the southern elevation, these would not be readily visible. Furthermore, they would be incorporated on a part of the resultant building that would read as a later addition on account of the stepped elevation and corresponding lower ridge height. When balanced against the fact that the proposal would replace a previous extension which had little reference to the form, design or historic significance of the barn, I find that the overall effect on the character and appearance of the building and the locality would be neutral.
13. For those reasons, I conclude that the development would preserve the character and appearance of the building and its locality. It would therefore align with Policies DMG1 and DMH5 of the Ribble Valley Borough Council Core Strategy 2008-2028 (2014), which, amongst other matters, seek to secure high standards of design and protect or enhance heritage assets.

### **Conditions**

14. I have considered the suggested conditions from the Council and had regard to Paragraph 55 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition requiring the use of matching external surfaces is necessary and reasonable in the interest of the character and appearance of the building.

### **Conclusion**

15. For the above reasons, the appeal should be allowed.

*R Hitchcock*

INSPECTOR



## Appeal Decision

Site visit made on 8 June 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

**Decision by Chris Preston BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 9 July 2020**

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**Appeal Ref: APP/T2350/D/20/3246503**

**3 Loneslack, Chatburn Old Road, Chatburn, BB7 4AB**

- 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 David Thornber against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2019/0622, dated 9 July 2019, was refused by notice dated 9 January 2020.
  - The development proposed is described as 'replacement of existing roof, external windows and doors and provision of insulating and cladding to the exterior of the building'.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Background and Main Issue

3. The Council raised no objection to the replacement of the existing roof or the external windows. Having viewed those elements I see no reason to take a different view, having regard to the minor impact those changes would have on the external character of the building.
4. Therefore, the main issue is the effect of the external timber cladding on the character and appearance of the surrounding area.

### Reasons for the Recommendation

5. The appeal site comprises a detached residential property located along the southern side of Old Road in Chatburn in a predominantly residential area on the western edge of the village. The historic core of the village, as encompassed by the Chatburn Conservation Area, is made up predominantly of stone built properties, with occasional use of render or stone wash and a mixture of stone slate and blue slate roofs.
6. The appeal site is located just outside the Conservation Area and when travelling westwards the dwelling is the first in a distinct set of four properties with a high level of coherence in terms of design and materials. Due to the sloping nature of the road, each subsequent dwelling sits in a slightly more



elevated position, allowing the consistency of the front elevations to be experienced and appreciated.

7. There is little evidence of any substantial alteration to this group of dwellings and the original, cohesively planned, character clearly remains evident. Whilst of more modern appearance than the historic core of the village the original 1970s style of the properties is retained and the consistency in appearance and materials enhances the character of the row of properties which clearly read as a distinct group from a particular period in time. Although the properties do not replicate the vernacular style they are, nonetheless, an attractive addition to the village.
8. The proposal would involve the installation of cladding to the front, side and rear elevations of the appeal property. While the silhouette, form and massing of the building would not be affected by this proposal, such cladding would represent the first addition of its kind along this row of properties and as a result the pleasing coherence that currently exists along the front elevations would be lost. Views of the proposal would be particularly prominent when travelling westwards due to extensive use of cladding, the wide, open driveway and the sloping nature of the road. Here it would be experienced alongside the remaining properties in this group, highlighting the incongruous nature of the cladding.
9. As part of the proposal the doors at the appeal property would also be replaced. From the plans submitted this would involve the replacement of the white metal garage door and timber door along the front elevation of the property with a timber garage door with pass door, and a timber front door with glazed side panel. These alterations would serve to further distinguish the property from the neighbouring dwellings, resulting in the appeal property appearing out of place within this group and failing to relate to the surrounding area in this regard.
10. I recognise that timber cladding is often found on properties of similar style dating from the 1970s but the coherence of the group of dwellings as they step up the hillside is a key feature as described above and the sheer extent of cladding proposed, covering the entire three storeys of the bottom half of the property, would be substantially at odds with the established theme. It would give the main façade a monolithic appearance, in contrast current arrangement where render and artificial stone are used to break up the mass of the tall front section.
11. I also note that paragraph 127(c) of the Framework states that decisions should ensure that proposals are sympathetic to local character whilst not discouraging innovation or change. Additions can make a positive contribution without matching or replicating existing materials; the way in which the four properties provide an attractive addition to the village is an example of that. However, in this instance, the coherent use of materials is an essential part of the carefully planned character of the group. The proposed changes would fail to reflect the carefully planned arrangement and the attractive and cohesive group value would be substantially diminished.
12. For all of those reasons I find that the development would have a significantly adverse visual effect on the character and appearance of the surrounding area. Accordingly, it would fail to comply with Policies DMG1 and DMH5 of the

Ribble Valley Borough Council Core Strategy 2008 – 2028 A Local Plan for Ribble Valley Adoption Version.

### **Other considerations**

13. Reference has been made to other examples of similar development in the surrounding area. While consistency in decision making is an important consideration, I must also consider the effect of the development on the character and appearance of the surrounding area with regard to the adopted development plan. I have considered this appeal on its own site-specific circumstances and, in view of the degree of harm I have identified, the reference to other development nearby does not outweigh this.
14. The appellant has listed certain benefits of the proposal, including the fact that it would improve the thermal performance of the dwelling, improve the architectural value of the property and utilise sustainable materials in the form of timber. However, there is nothing to suggest that similar benefits couldn't be achieved in a manner that would better reflect the established character of the group. Accordingly, while these benefits are acknowledged, they do not attract sufficient weight in planning terms to override the harm that would arise.

### **Conclusion and Recommendation**

15. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

*C Rafferty*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

*C Preston*

INSPECTOR