

The Planning Inspectorate

For official use only
(Date received)

31-May-2013 12:46

HOUSEHOLDER PLANNING APPEAL (Online) FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372. To help you fill in this form correctly please refer to the guidance leaflet "How to complete your householder planning appeal form".

WARNING : The appeal and essential supporting documents must reach the Inspectorate within the appeal period. If your appeal and essential supporting documents are not received in time we will not accept the appeal.

APPEAL REFERENCE: APP/T2350/D/13/2199040

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name Mr C and N.R. Bamford

Organisation name (if applicable)

B. AGENT DETAILS

Name

Organisation name (if applicable)

Your reference

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Ribble Valley Borough Council

LPA reference number 3/2013/0321

Date of application to LPA 18 Mar 2013

Date of the LPA's decision 20 May 2013

D. APPEAL SITE ADDRESS

Address Slimrow
Slaidburn Road
Newton-in-Bowland, Clitheroe
Lancs

Postcode BB7 3DL

Grid Reference: Easting 3703160

Northing 4491590

1. Is the appeal site within a Green Belt? Yes ☐ No ☒
2. Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ☐ No ☒
3. Are there any health and safety issues at, or near the site which the Inspector would need to take into account when visiting the site? If so please describe them below Yes ☐ No ☒

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form? Yes ☐ No ☒

Proposed construction of single storey extension to provide improved living and bedroom space

Area of floor space of proposed development (in square metres)

68

F. REASON FOR THE APPEAL

This reason for this appeal is that the LPA has (please tick which applies)

- 1 Refused planning permission ☒
- 2 Refused permission to vary a condition(s) ☐

G. GROUNDS OF APPEAL

** See separate documents **

CHOICE OF PROCEDURE

There are 3 possible choices:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1. THE WRITTEN REPRESENTATIONS PROCEDURE _____ ☒

This is normally the simplest, quickest and most straightforward way of making an appeal. The 'Householder Appeals Service' written procedure is particularly suited to small-scale developments.

2. THE HEARING PROCEDURE _____ ☐

This procedure is likely to be suited to more complicated cases which require detailed **discussion** about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate will consider whether your appeal is suitable for this procedure against the criteria. You must give detailed reasons below or in a separate document why you think a hearing is necessary.

Please answer the question below.

- a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES ☐ NO ☐

3. THE INQUIRY PROCEDURE _____ ☐

This is the most formal of procedure. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure against the criteria. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

Please answer the questions below.

- a) How long do you estimate the inquiry will last? No. of days
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)
- b) How many witnesses do you intend to call? No. of witnesses
- c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. YES ☐ NO ☐

H. (part one) SITE OWNERSHIP CERTIFICATES

We need to know who owns the appeal site. If you do not own the appeal site or if you own only part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the 'certificates' applies.

If you are the sole owner of the whole appeal site, certificate A will apply:

CERTIFICATE A

A



I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B

B



I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance leaflet*) to every one else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name

Date the notice was served
(this must be within the last 21 days)

CERTIFICATES C & D

C/D



If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the *Guidance leaflet* and attach it to the appeal form.

H. (part two) AGRICULTURAL HOLDINGS CERTIFICATES

We need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

A



OR

(b)(i) The appeal site is, or is part of an agricultural holding, and the appellant is the sole agricultural tenant: B(i)

B(i)



(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

B(ii)



Tenant's name

Date the notice was served
(this must be within the last 21 days)

Details of additional tenants

I. ESSENTIAL SUPPORTING DOCUMENTS

If we do not receive both your appeal documents by the end of the appeal period, we will not accept your appeal.

You must send the documents listed below with your appeal form. Please tick the boxes to confirm the documents are enclosed.

- | | | |
|---|--|-------------------------------------|
| 1 | A copy of the original planning application sent to the LPA. | ☒ |
| 2 | A copy of the LPA's decision notice. | ☒ |

J. OTHER APPEALS

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

K. NOW SEND...

● 1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

● You may wish to keep a copy of the completed appeal form for your records

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to householderappealform@pins.gsi.gov.uk. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

APP/T2350/D/13/2199040

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

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*****
* The Documents Listed Below Were Uploaded With The Appeal Form *
*****
===== GROUND OF APPEAL =====
TITLE:      Grounds of Appeal 1
DESCRIPTION: Grounds of appeal
FILENAME:    Appeal Representations.pdf

===== ESSENTIAL SUPPORTING DOCUMENTS =====
TITLE:      01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Application form
FILENAME:    Planning Application - Resubmission.pdf

TITLE:      01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Site location
FILENAME:    Site location plan.pdf

TITLE:      01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Plan of existing building
FILENAME:    4263 - 01 (A1) Existing.pdf

TITLE:      01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Applicant's explanatory letter
FILENAME:    Client's supporting letter (1).pdf

TITLE:      02. A copy of the LPA's decision notice.
DESCRIPTION: RVBC refusal of consent
FILENAME:    refusal.pdf
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**Proposed construction of a single-storey extension to provide improved living and bedroom space at Slimrow, Newton-in-Bowland BB7 3DL
(‘the Development’)**

Grounds for Appeal

The refusal by RVBC of the application for the Development is set out in a single paragraph. The reason for the refusal is that:

1. The Development would be *‘an incongruous and unsympathetic addition’* to the existing house. The incongruity and lack of sympathy is said to be caused by the Development’s *‘size, massing and bulk’*. In short, the Development is thought to be too big for the current house.
2. This opinion is not itself advanced as a reason for refusal. Rather, it is said that the excessive size would be detrimental to the *‘character, setting and visual amenities’* of the Forest of Bowland.
3. This detrimental effect is then said to contravene a number of listed provisions of local planning practice and guidelines.

The purpose of this submission is to show that the size of the Development, which is the only aspect of it with which RVBC takes issue, does not contravene the detailed provisions cited. Nor will it adversely affect the *‘character, setting and visual amenities’* of the Forest of Bowland.

The detailed provisions are:

SPG on Extensions and Alterations to Dwellings

In relation to the size of extensions, the SPG provides (paragraph 5.2):

‘The size of an extension is an important consideration. Over-large extensions can dominate the original dwelling ...As a rule of thumb avoid schemes which increase the size of the original dwelling by in excess of a 75% increase in floor area.’

It goes on to say that size controls will be more strictly applied in *‘open countryside’*, because of the need to maintain a stock of *‘relatively small cottages’*. In these cases, increase in size should be limited to 33%.

The Development will increase the size of the house by approx. 33%. Slimrow is not a small cottage, but a substantial detached property.

The Development is not contrary to the terms of the SPG.

Ribble Valley Core Strategy

DMG 1

The size of the Development is irrelevant to most of the matters itemised in DMG1. The only item

which might affect the Development is the need to:

'Consider the density, layout and relationship between buildings, which is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character.'

The Development will, of course, increase the size of the house in relation to the other buildings on the site. As can be seen from the letter which accompanied the application for consent, the Development will follow the form of the original building at Slimrow, which stood for almost 500 years until it was damaged by fire thirty-odd years ago. It is hard to see how this could be said to contravene DMG1.

Further, it is important to note that RVDC does not refuse consent on the ground the Development would be out of keeping with the rest of the Slimrow site, but rather to the much wider effect that the Development would have. It would, they say,

'...be detrimental to the character, setting and visual amenities of the Forest of Bowland.'

The wording of DMG 1 is aimed at the effect of a development on its immediate surroundings, not on the much wider issue to which the refusal refers.

There is no contravention of DMG1.

DME2

None of the matters set out in DME2 will be affected in any way by the Development. DME2 is not relevant.

DMH5

The Development is not intended to provide accommodation for elderly or dependent relatives. The contents of DMH5 are irrelevant, save only to the extent that the text cross0refers to DMG1 (as to which, see above).

Ribble Valley Districtwide Local Plan

G1

No objection has been taken to the building design and landscaping of the Development..G1 stipulates that such a development should be permitted,

'...unless it adversely affects the amenities of the surrounding area.'

The criteria to be applied in the determining of planning applications are then listed. The only two of the items in this list that might be relevant to the Development are:

1. Criterion (a); that the development should be sympathetic to the existing land use. Slimrow is a residential property with ancillary outbuildings. The Development will do nothing to change that.

2. Criterion (e) is a repetition of the wording of DMG1 of the Core Strategy.

The Development does not in any way contravene the terms of G1.

ENV1

It is axiomatic that development within the Forest of Bowland must respect the character of the area and protect its natural beauty.. The Development is in keeping with buildings in the area. Indeed, the Development will adopt the original footprint of Slimrow, as it was built at the start of the 17th century.

The Development will not alter the appearance of Slimrow, as far as neighbours are concerned. Nor can the property be seen from any public road. The only people who will see the Development, apart from Slimrow's inhabitants and their visitors, will be the very few people who walk through the property on the public right of way.

The Development will have no detrimental effect on the character of the Forest of Bowland.

H10

The provision is relevant in respect of the statement:

'...over-large extensions can have a similar effect to wholly new development in terms of landscape and street scene.'

No 'street scene' is involved in this case. As far as the 'landscape' (which is taken to mean the immediate visual environment) is concerned, the Development will not adversely affect the appearance of the Slimrow site. If any discernible effect is produced, it will be that of restoring the original form and feel of the farmyard.

Conclusion

Examination of the detailed provisions cited in the refusal shows that some have no application to the Development. In two cases, the provision is directed to the effect of a development on its immediate surroundings, on which RVBC raises no issue. Its sole objection is founded on the opinion that the addition of an extension to Slimrow, well within the size mentioned in RVDC's own planning guidelines, will be detrimental to the *'character, setting and visual amenities of the Forest of Bowland.'*

The planning officer who made the decision takes this view that the Development would be so detrimental. It is however hard to see how it could be justified by any objective criteria. To the extent that RVBC has set out its criteria in detailed provisions capable of objective assessment, the Development complies with them. The judgment made by the planning officer is entirely subjective. One may, however, make the following comments on it:

1. The Development cannot be said to be detrimental to the *'character'* of Bowland. It simply makes one of the buildings on a residential site bigger by one third. It does not affect the use of the site. The amount of space on the site as a whole will be increased by about 10%. The Development will have no discernible effect on the *'character'* of Bowland.

2. As far as concerns the '*setting and visual amenities*' of Bowland, it should be noted that the buildings on the Slimrow site cannot be seen from any road. They are visible from two neighbouring farms, but only at a distance. From neither property will the Development be visible.

The public right of way that runs through Slimrow is very little used. Only a handful of walkers use it in any year.

The Development will be seen by very few people other than the inhabitants. It cannot be said that the extension would have any impact on the '*visual amenities*' of Bowland.

The reason for refusal of consent is not supported by any of the objective criteria cited, and the subjective view on which it is based is not reasonable.