



Gary Hoerty Associates

6-8 Church Street  
Clitheroe  
Lancashire  
BB7 2DG

320130394P

Tel: 01200 442301  
Fax: 01200 442976  
[www.ghaonline.co.uk](http://www.ghaonline.co.uk)  
[www.ruralproperty4sale.com](http://www.ruralproperty4sale.com)  
email: [info@ghaonline.co.uk](mailto:info@ghaonline.co.uk)

## PLANNING STATEMENT

**IN RESPECT OF A FULL PLANNING  
APPLICATION FOR THE DEMOLITION OF THE  
MOORCOCK INN AND THE ERECTION OF  
THREE DETACHED DWELLINGS, EACH WITH  
DETACHED GARAGES AND THE CREATION OF  
PRIVATE GARDEN AREAS (RESUBMISSION OF  
APPLICATION No: 3/2012/0819)**

**AT**

**THE MOORCOCK INN, SLAIDBURN ROAD,  
WADDINGTON, CLITHEROE, BB7 3AA**

**Prepared by:** A J Mitchell  
**Our client:** Messrs S & A Thornber  
**Our Ref:** Tho/190/1549/AJM  
**Date:** April 2013



Chartered Surveyors ■■■■ Planning & Development ■■■■ Land Agents  
Valuers ■■■■ Property Agency ■■■■ Property Management





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## 1. INTRODUCTION AND BACKGROUND INFORMATION

- 1.1 Gary Hoerty Associates has been instructed by Messrs A & S Thornber to submit a resubmission application in respect of planning application number 3/2012/0819, on their behalf for the proposed demolition of The Moorcock Inn and the erection of three detached dwellings on the site of The Moorcock Inn and the adjoining car park.
- 1.2 This planning application follows two recent planning applications submitted in connection with the application site, both of which are referenced in section 2 of this Planning Statement. The most recent application forms the starting point on which the current proposal has been based with the previous proposal having been extensively amended in order to address a number of concerns and issues raised in the planning officer's report to the planning committee and by the Councillors at the committee meeting concerning the previous application. We consider the current scheme to be more sympathetic and in keeping with the application site and the surrounding local area of the Forest of Bowland AONB. The details of how this is achieved will be addressed in this Planning Statement, and within other documents that comprise this planning application.
- 1.3 Prior to the submission of this application informal discussions took place with Nigel Evans, the local MP; Elliot Lorimer the Principal AONB Officer for the Forest of Bowland AONB and Steven Brereton the senior landscape architect at Lancashire County Council all of whom agree with the principle of demolishing the existing dilapidated structures, which are in a poor state of repair and are architecturally incongruous with the built form of the immediate and wider locality, and the construction of three detached dwellings of traditional form and appearance. They all agree that this is a more appropriate form of development than the approved alteration and redevelopment of the existing buildings and that it will result in a more attractive development thus enhancing the landscape and character of the AONB. As Nigel Evans observed the proposed development will provide work for local builders unlike the large scale housing developments that are being approved throughout the Borough. This will increase the chances of a planning consent if granted, being implemented and therefore increase the chances of deliverability of the proposed development, thereby increasing the chances to address the shortfall in housing numbers within the Borough, as identified in recent planning appeals.
- 1.4 We have engaged the services of a specialist historic buildings consultant to undertake an assessment of The Moorcock Inn in order to evaluate its status as a heritage asset and we will comment on their findings in this Planning Statement, in summary however there is no justification for refusing the development proposed in this application on the basis of it resulting in the loss of a non designated heritage asset.
- 1.5 We will consider in this Planning Statement the proposed development in more detail providing a review of the planning history of the site; an outline of the development proposal; an assessment of the development site; a review of

the relevant planning policies and guidance and relevant planning appeals and we will set out why we believe the application conforms to the national and local planning policies, and why the application should therefore be looked upon favourably.

## 2. PLANNING HISTORY

2.1 Application No: 3/2012/0819 was for the proposed demolition of The Moorcock Inn and the erection of three detached dwellings, three detached garages with annexe accommodation over and the creation of garden and landscaped areas. This application was refused at the Planning and Development Committee Meeting on 9 November 2012 for the following reasons:

1. *The proposal involves the construction of three large detached dwellings (a net gain of two dwellings as there is a manager's dwelling within the existing building) on a site that is within the Forest of Bowland Area of Outstanding Natural Beauty and a considerable distance outside any settlement boundary. By virtue of their size, the dwellings are clearly not intended "to meet a proven local need". The proposed development is therefore contrary to saved Policy H2 of the Ribble Valley Districtwide Local Plan and Policy DMH3 of the Core Strategy 2008 - 2028 "A Local Plan for Ribble Valley" Regulation 22 Submission Draft.*
2. *The proposed development involves the demolition of a non-designated heritage asset and is therefore contrary to the intentions of conserving the historic environment as contained in Section 12 of the National Planning Policy Framework.*
3. *The proposed group of three dwellings by virtue of their size and height and the extent of their curtilages would represent a development not typical of the locality, and would appear as an incongruous development that would detract from the appearance and character of the Forest of Bowland Area of Outstanding Natural Beauty. As such, the proposal does not conserve and enhance the natural environment as required by Section 11 of the National Planning Policy Framework and is contrary to saved Policies G1 and ENV1 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DMG2 and DME2 of the Core Strategy 2008 -2028 "A Local Plan for Ribble Valley" Regulation 22 Submission Draft.*

2.2 Application No: 3/2012/0356 was for the proposed conversion and redevelopment of a redundant public house and hotel with conference facilities, into three private residential properties. This application was approved with conditions on 6 August 2012.

2.3 Application No: 3/2003/1021 was for the creation of French doors to the front and rear elevations. The application was withdrawn on 01/12/2003.

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- 2.4 Application No: 3/1999/0343 was for the renewal of permission for the extension to form a new entrance, 14 bedrooms and conference facilities. The application was withdrawn on 20/07/1999.
- 2.5 Application No: 3/1995/0462 was for the extension to rear to form lounge, bar and toilets and bedrooms over. The application was approved with conditions on 27/11/1995.
- 2.6 Application No: 3/1991/0562 was for a single storey side extension and alterations to provide a lounge. The application was approved with no conditions on 04/10/1991.

### **3. THE DEVELOPMENT PROPOSAL**

- 3.1 The proposed development is the demolition of the existing group of buildings that comprise the Moorcock Inn, and the construction of three detached open market dwellings, each with a detached double garage with annexe accommodation over and private garden areas to the front, sides and rear. The application site is served by an existing tarmac vehicular access track, which joins the public highway of Slaidburn Road.
- 3.2 The approval of application reference: 3/2012/0356 established the principle that the creation of three dwellings at the application site is appropriate and an accepted form of development. The current application seeks permission to create three high quality detached properties as a preferable and commercially viable alternative to the approved conversion scheme.
- 3.3 The proposed scheme will see the removal of a large mass of existing buildings that are visually incongruous and not in keeping with the typical built form and style of the immediate and wider areas of the Borough. The existing buildings are also sited immediately adjacent to the public highway making them quite prominent and providing no opportunity for screening landscaping to be provided. The vehicles using the road cause the building to vibrate and headlights shine into the rooms on the front elevation.
- 3.4 The three proposed dwellings will be spread out across the development site, taking in the existing public house car park, something which the approved conversion scheme does not. The proposal will result in the creation of three well proportioned dwellings which will maintain and increase the open nature of the application site. The proposal will provide a marked improvement on the existing arrangement and to the approved conversion scheme, both of which comprise a range of buildings of incongruous architectural styles and built form, which have a negative impact on the visual amenity of the immediate and local areas of the Forest of Bowland AONB, which was clearly acknowledged by both Steve Brereton and Elliot Lorimer when we met them both on site.

- 3.5 The proposed plans submitted as part of the application, illustrate clearly the level of accommodation that will be created by this proposal. In summary, the accommodation will be spread out over three floors, ground, first and second floor; the latter will be created within the roof space of each dwelling to keep to a minimum the overall height of the proposed dwellings, which is significantly lower than in the proposal that was refused. The external design and the internal configuration of each dwelling created by this proposal will be the same. The ground floor will comprise a porch and entrance hall with a WC and cloak area, lounge, sitting room, large open plan family room comprising kitchen, dining and living areas, garden room, and formal dining room. The first floor will accommodate a family bathroom and four double bedrooms, two of which will be fitted with walk-in wardrobes and en-suite bathrooms. The second floor will comprise two double bedrooms, both of which will be served with walk-in wardrobes and en-suite bathrooms and there will be a separate storage room. The garages created by this proposal will comprise at ground floor space to park two cars side by side and a WC and at first floor level annexe accommodation will be created within the roof space to keep the overall height of the garage down to a minimum, and will comprise an open plan living area comprising kitchen, dining and living space with a double bedroom, served with an en-suite bathroom, off this main living area. Similar garage block have been approved as part of the conversion/redevelopment scheme.
- 3.6 The gross internal floor space to be created by this proposal will be 1,436.9m<sup>2</sup> which includes all three dwellings and all three garages and of this total 329.2m<sup>2</sup> is to be created within the roof space. Any floor area with less than 1m in usable head height has not been included within any of the totals mentioned above. The total internal floor space put forward by the previous proposal was 2,606.02m<sup>2</sup>, resulting in a 1,169.12m<sup>2</sup> reduction, in the amount of internal floor space is to be created by this proposal.
- 3.7 The existing group of buildings have an external footprint of 995.3m<sup>2</sup>, whilst the refused proposal had an external footprint of 1,096.39m<sup>2</sup>, and the current proposal has an external footprint of 882.4m<sup>2</sup>. The current proposal will therefore also provide a reduction in the total external footprint of the previous proposal and the existing buildings, leading to a scheme that is more appropriate to the application site and one which addresses a number of concerns and issues raised in respect of the previous proposal.
- 3.8 The proposed dwellings will have an eaves height of 5.6m and a ridge height of 8.5m. The current proposal provides a significant reduction in the overall height of the dwellings proposed in the previous proposal which had eaves heights of 6.2m and ridge heights of 10.82m. The overall height of the dwellings put forward by this proposal, are comparable to the heights of the existing buildings and to other similar developments being approved within the Borough. The heights of the dwellings now proposed were also agreed by the principal officer for Forest of Bowland AONB and the senior landscape architect from Lancashire County Council prior to the preparation and submission of this application.

- 3.9 The materials proposed for the construction of the development have been thoughtfully considered and are in keeping with materials used in the construction of other similar properties within the local area. The roofs are to be clad in natural blue slate with the external walls constructed in random coursed natural stone with solid stone quoins at the principal corners. The windows and doors are to be of light oak effect PVCu frames and are to be formed within natural stone surrounds. The roof will feature a number of Velux roof lights.
- 3.10 The proposed development will see the incorporation of a wide range of measures to reduce the environmental footprint of the development, including the provision of solar photovoltaic panels to generate electricity. The dwellings will incorporate high levels of thermal insulation and low levels of air permeability.
- 3.11 The proposed development will see the creation of three high quality properties which are in line with similar developments approved within the Borough and the architectural details and materials used in the construction of the properties are in keeping with the vernacular of the local area.

#### **4. THE APPLICATION SITE**

- 4.1 The application site is a brown field site which comprises a range of buildings which form The Moorcock Inn together with a large car park situated within two miles of the centre of Waddington village and approximately 3.5 miles from the village of Slaidburn. The site extends to approximately 1.8 acres or thereabouts whereas the site of the approved redevelopment scheme was only 0.54 acres as it did not include the car park area.
- 4.2 The site is located in a rural area and within the Forest of Bowland Area of Outstanding Natural Beauty as designated within the Ribble Valley Districtwide Local Plan (Adopted 1998).
- 4.3 The application site is located on rising ground adjacent to Slaidburn Road and has a view south towards Pendle Hill and the Ribble Valley. The levels rise gently across the site from south to north and east to west. There are two dwellings within quite close proximity of the application site one to the west and one to the south west otherwise there are few other buildings or properties within approximately 500m of the site.

#### **5. PLANNING CONSIDERATIONS**

##### **5.1 General**

- 5.1.1 Local planning authorities are required to determine planning applications in accordance with the statutory development plan unless material considerations indicate otherwise we are firmly of the opinion that this latter point is of particular relevance to this application which has recently been confirmed by

the comments of the Planning Inspector who allowed the appeal against the Council's refusal of application number 3/2012/0477. The statutory development plan with regard to the application site comprises the Northwest Regional Spatial Strategy, adopted 2008, and the relevant the saved policies of the Ribble Valley Districtwide Local Plan (Adopted 1998). However the current local plan is nearly 15 years old and the policies of the Council's core strategy regulation 22 submission draft document are a material consideration when considering planning applications. There is more up to date national policy which will be relevant when considering applications for development. The relevant national policy is the National Planning Policy Framework (NPPF) which was adopted in March 2012.

- 5.1.2 The relevant saved policies of the Local Plan are Policy G1 which is a general policy that applies to all development proposals; Policy G5 which is a policy dealing with development outside the main settlement boundaries; Policy G8 which deals with environmental considerations; Policy ENV1 which is a policy dealing with development in an Area of Outstanding Natural Beauty; Policy ENV24 which deals with renewable energy; Policy H2 which is a policy dealing with dwellings in the open countryside; Policy H14 which deals with replacement dwellings outside of settlement boundaries; and Policy EMP11 which deals with the loss of employment land.
- 5.1.3 The Council's core strategy regulation 22 submission draft contains a number of key statements and development policies of which the following are relevant to this application: DS2 Sustainable Development, EN2 Landscape, EN3 Sustainable Development and Climate Change, EN4 Biodiversity and Geodiversity, DMI2 Transport Considerations, DMG1 General Considerations, DMG2 Strategic Considerations, DMG3 Transport and Mobility, DME2 Landscape and Townscape Protection, DME3 Site and Species Protection and Conservation, DME4 Protecting Heritage Assets DME5 Renewable Energy, DME6 Water Management, DMH3 Dwellings in the Open Countryside and AONB and finally DMB1 Supporting Business Growth in the local economy.
- 5.1.4 We set out below extracts from the relevant documents and assess the application against all the appropriate policies and guidance.

## **5.2 National Planning Policy**

### **National Planning Policy Framework (NPPF)**

- 5.2.1 The adoption of the National Planning Policy Framework in March 2012 means that it is now the main national planning policy guidance influencing planning decision making and replaces a substantial number of documents previously in place. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied, it sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so.

5.2.2 Paragraphs 11 – 16 of the NPPF highlight the presumption in favour of sustainable development confirming that planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF does not change the statutory status of the development plan as the starting point for decision making. It makes clear that proposed development that accords with an up to date local plan should be approved and that proposed development that conflicts should be refused unless other material considerations indicate otherwise. It also highlights the desirability of local planning authorities having an up to date local plan in place. We have demonstrated below that the proposed development does accord with the relevant saved policies of the local plan. Importantly, paragraph 14 of the NPPF states:

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For plan-making this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*

*For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*

5.2.3 Paragraph 14 clearly spells out the Government's presumption in favour of allowing sustainable development unless the adverse impacts of doing so would be very significant it also clearly highlights the requirement to have regard to all material considerations. The Council's local plan was adopted in 1998 some fourteen years ago and as a consequence it is clearly out of date,

there is a clear and unequivocal presumption set out in the NPPF in favour of approving sustainable development unless there is SIGNIFICANT AND DEMONSTRABLE harm from doing so. There are no adverse impacts in respect of the development that is proposed in this case on the contrary the AONB officer and the senior county landscape architect support the proposal because it is beneficial to the AONB not harmful to it. The proposed development will remove what has become a large incongruous series of buildings replacing them with three separate buildings in landscaped grounds which would undoubtedly enhance the attractiveness of the area. The principle of the development has been confirmed as sustainable by the Council, as the report to the committee meeting in connection with the previous proposal states:

*“It is considered that the application for the demolition of the building and erection of three detached dwellings represents a more sustainable form of development than either the use of the building for its existing authorised use or for any alternative commercial use. Therefore, purely in relation to the consideration of sustainability, the application is considered to satisfy the overriding requirement of NPPF.”*

5.2.4 It is difficult to see how when the planning officer has come to the view that the development is sustainable in terms of NPPF and in light of the clear presumption in favour of sustainable development as the golden thread running through decision taking that he afforded little or no weight in the recommendation that he made in respect of the previous application. There was also a lack of any consideration of all of the material considerations in the determination of the last application and too much weight placed on out of date policies.

5.2.5 Paragraph 15 states:

*“Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.”*

5.2.6 It would appear to follow that where local plan policies do not support sustainable development then there is a clear argument that they should be considered out of date.

5.2.7 The Government’s commitment to securing economic growth and to create jobs and prosperity is confirmed at paragraph 18 which states:

*“The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

- 5.2.8 There is an emphasis highlighted in paragraph 19 that planning should operate to encourage and not act as an impediment to assist sustainable economic growth. Local planning authorities are required to plan proactively to meet the development needs of business and support an economy fit for the 21st Century.
- 5.2.9 Section 3 of the NPPF is headed “*Supporting a Prosperous Rural Economy*” and paragraph 28 identifies that planning policy should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The proposed development will create the possibility of work for local building companies and will therefore help to support the local rural economy and the families that will reside in the three proposed dwellings will spend money in the local area further assisting the local economy.
- 5.2.10 Section 6 of the NPPF is headed “*Delivering a wide choice of high quality homes*” and sets out the Government’s policy in respect of housing delivery. There are various relevant paragraphs within Section 6 which we will quote and comment upon below.
- 5.2.11 Paragraph 47 highlights a requirement that local planning authorities should boost significantly the supply of housing. In this case the proposed scheme will deliver no more houses than the approved scheme; however the development opportunity will be commercially viable whereas we do not consider the proposed redevelopment of the existing buildings to be commercially viable, therefore in terms of deliverability the proposed new build dwellings will be considerably more deliverable than the approved dwellings.
- 5.2.12 Paragraph 49 states:
- “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*
- 5.2.13 The development of three new build dwellings is no less sustainable than the approved redevelopment scheme and the Council have acknowledged that the creation of three new build dwellings is sustainable in terms of NPPF this paragraph clearly states that the Council’s housing policies cannot be considered up to date as they can’t demonstrate a five year supply of deliverable housing sites.
- 5.2.14 Paragraph 50 states that a wide choice of quality homes should be delivered and that there should be provision for people wishing to build their own home, the approval of this application would enable individuals to acquire a plot and build their own home unlike most of the development that is being approved in the Borough which will be developed by large volume house building companies. This paragraph also refers to the size type and tenure of housing to

suit each location and we consider that the proposed dwellings are more appropriate to the location than the approved redevelopment scheme.

- 5.2.15 Section 12 of the NPPF is entitled “*Conserving and enhancing the historic environment*”, and is concerned with ensuring that local planning authorities make adequate provision within local plans for development proposals that concern the historic environment. The Council has identified the existing buildings that comprise the application site as, “non-designated heritage assets” and make reference to paragraph 135 of the NPPF in the report to the committee meeting concerning the previous application.
- 5.2.16 Paragraph 135 of the NPPF states that, a balanced judgement is required when preparing schemes involving a designated property and/or heritage asset. The report to the committee stated that the approved conversion scheme made a balanced judgement with the conclusion reached that the retention and enhancement of parts of the existing structure was acceptable and appropriate, and that the total demolition of the non-designated heritage asset was considered inappropriate and unjustified.
- 5.2.17 However, paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of three factors when considering planning applications. Of particular relevance to our clients’ proposal is the following:
- *The desirability of new development making a positive contribution to local character and distinctiveness.*
- 5.2.18 A professional assessment of the heritage value of The Moorcock Inn has concluded that “*there is little to recommend the building ranges for protection, re-ordering or re-use*”.
- 5.2.19 Paragraph 133 of the NPPF states that “*where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, development proposals should be refused, unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm.....*”. However The Moorcock Inn is not a designated Heritage Asset.
- 5.2.20 It is our firm opinion that our clients proposal should be regarded as desirable as it will make a positive contribution to the character and distinctiveness of the local area and there are no sound reasons on heritage grounds for requiring the retention of all or any part of The Moorcock Inn.
- 5.2.21 Annexe 1 of the NPPF provides guidance on the implementation of the policies in the framework which are applicable from the day of publication and clearly identifies that for the purpose of decision taking the policies in the local plan should not be considered out of date simply because they were adopted prior to the publication of this framework. However it goes on to state that the policies contained in this framework are material considerations which local planning authorities should take into account from the day of its

publication and that plans need to be revised to take into account the policies in the framework. It goes on to state that for twelve months from the day of publication decision-takers may continue to give full weight to relevant policies adopted since 2004 where development plan documents are adopted in accordance with the Planning and Compulsory Purchase Act 2004 even if there is a limited degree of conflict with the framework. In other cases and following this twelve month period due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework; (the closer the policies in the plan to the policies in the framework, the greater weight that may be given). This is therefore of particular relevance when discussing the planning application in the context of the saved policies of the local plan because these were adopted before 2004.

### **New Homes Bonus Scheme**

- 5.2.22 In addition to changes in policy, the Government has introduced a number of incentives to encourage new homes to be built. A key incentive is to the New Homes Bonus Scheme whereby local authorities are awarded a bonus council tax payment for six years on completion of every new dwelling. Our clients' proposal would clearly support the Council in obtaining this additional bonus payment.

## **5.3 Regional Planning Guidance**

### **Regional Spatial Strategy for the Northwest (2008)**

- 5.3.1 The RSS was originally published in 2008 and its aim was to promote economic growth, regeneration and build sustainable communities. The importance and status of the RSS has recently been confirmed by legal challenges which have now confirmed the status of the RSS as part of the statutory development plan.
- 5.3.2 The RSS sets out a strategic planning and development framework for the northwest region. This framework takes into account the needs of the distinct areas across the region.
- 5.3.3 Policy L2 requires local authorities to develop an understanding of the local and sub regional housing markets by undertaking strategic housing market assessments. This is in order to adopt a comprehensive approach to influence housing supply to achieve a better match between supply and demand across all types, sizes, tenures and values:
- *Improve the quality of the region's housing stock.*
  - *Support the housing market, restructuring and renewal and overcome the increasing issue of affordability and, finally,*
  - *Ensure the needs of the wider population, including housing need in local areas.*
- 5.3.4 Policy L4 requires local authorities to monitor and manage the availability of land identified in plans and through development control decisions in order to

achieve the housing targets set out in table 7.1. Table 7.1 sets out an annual average rate of 161 dwellings per year for the Ribble Valley in order to meet a total net housing target of 2,900 over the period 2003 – 2021. At least 65% of the development is expected to be delivered on previously developed land. The figures set out at table 7.1 are not absolute targets and may be exceeded. The annual targets are also expected to continue for some years after 2021. The figure of 161 will in time be replaced by a figure that will be within the core strategy and the Council has assessed the requirement to be 200 dwellings per year.

## **5.4 Local Planning Guidance**

### **Ribble Valley Districtwide Local Plan (Adopted 1998)**

- 5.4.1 The Ribble Valley District Wide Local Plan was adopted in 1998. The application site as shown on the local plan proposals map is located within an area designated as an Area of Outstanding Natural Beauty.

#### General Policies

#### **Policy G1**

- 5.4.2 Policy G1 sets out general considerations for all development proposals. It states that:

*“Development proposals will be expected to provide a high standard of building design and landscape quality. Development which does so will be permitted unless it adversely affects the amenities of the surrounding area.”*

- 5.4.3 The policy contains a number of criteria which planning applications will be determined against; these are set out below together with an explanation as to why we consider the proposed development conforms to each of this criterion:

- a) *Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature.*

- 5.4.4 The development of three new build detached dwellings would see the removal of the large mass of incongruous development that comprises The Moorcock Inn and is located in the most visually prominent part of the site immediately adjacent to the public highway. There is currently an extant consent for three dwellings on part of the site and there will therefore be no intensification of residential use on the site as a consequence of the approval of the proposal and the development will be spread across the site. We consider the use of the site for three dwellings to be more sympathetic to the existing adjoining land use than the previous use; there will be significantly less traffic and noise disturbance. We also consider that the current proposal will provide an improvement on the approved conversion scheme, by reducing the impact of passing traffic on the application site from large heavy goods vehicles associated with the local quarry, which cause ground movement and vibrations within the existing buildings.

- b) *The likely scale and type of traffic generation will be assessed in relationship to the highway infrastructure and the proposed and existing public transport network. This will include safety, operational efficiency, amenity and environmental considerations.*
- 5.4.5 The Council have granted planning permission for the approved scheme (Application No: 3/2012/0356) for the conversion and redevelopment of a redundant Public House and Hotel with conference facilities, into three private residential properties. The proposed development for the demolition of the existing buildings and the erection of three detached dwellings at the site will therefore not create an increase in traffic generation from the approved scheme. The site has already been considered acceptable in relationship to the highway infrastructure and the proposed and existing public transport network, and it is accepted that the previous use generated significantly greater numbers of vehicle movements than three dwellings will generate. The proposed use is more sustainable than the previous use.
- c) *Development should make adequate arrangements for car parking.*
- 5.4.6 The proposal will incorporate sufficient private car parking spaces in line with national and local design guidance.
- d) *A safe access should be provided which is suitable to accommodate the scale and type of traffic likely to be generated.*
- 5.4.7 The site has already been considered to have a safe access which is suitable to accommodate the scale and type of traffic likely to be generated by three dwellings. It is considered that the proposal will provide an improvement on the approved conversion scheme, by relocating the build line of the dwellings further away from the edge of the public highway, thereby improving the visibility along Slaidburn Road.
- e) *The density, layout and relationship between buildings is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings as well as the effect of development on existing amenities.*
- 5.4.8 The proposed scheme to create three new detached dwellings would replace the large solid mass of incongruous development that currently presents an unattractive built up appearance on the roadside. The three new dwellings have been carefully designed to maintain and enhance the open nature of the bulk of the site and will incorporate soft landscaping around each of the proposed properties, to reduce the visual impact of that they will have. As can be seen from the visual impact assessment the proposed development will have significantly less visual impact than either the existing buildings or the approved development.

5.4.9 The proposed dwellings will be well related to one another each set within a generous sized plot and they will also relate well to the neighbouring dwelling located close to the application site.

5.4.10 The proposed scheme will, we feel improve the visual appearance of the site when viewed from the immediate vicinity and within the wider landscape. The dwellings have been designed to incorporate materials which are sympathetic to the local area and we consider that the properties created by this proposal are of a high quality and design, and will provide an improvement on both the existing buildings and the approved redevelopment scheme.

5.4.11 Our client's proposal will also benefit the local economy as the existing amenities within the villages of Waddington and Slaidburn will have an increased customer base to serve.

*f) Developments should provide adequate arrangements for servicing and public utilities.*

5.4.12 The existing building is already served by mains electricity. The approved scheme has incorporated environmentally friendly methods of construction as part of the development, with the incorporation of solar photovoltaic panels to generate electricity. The proposed dwellings will also be served by private foul drainage treatment systems in the form of a package treatment plant and a private surface water drainage system. We consider that these services are adequate for the proposed development.

*g) Developments should provide adequate daylighting and privacy.*

5.4.13 We consider that the proposal incorporates adequate daylighting and privacy. Private front and rear gardens will be provided to each property, with 1.8m high timber close boarded fences along property boundaries. The construction of three detached dwellings will, in our opinion, increase the amount of daylight to each of the properties in particular to the rear gardens, and will be an improvement on the approved redevelopment scheme.

*h) Materials used should be sympathetic to the character of the area.*

5.4.14 The materials specified within the current proposal are similar to those approved under the application for the conversion of the buildings, and as such we feel that the Council have deemed the materials specified within the current proposal as appropriate. The proposed materials will comprise natural blue slates to the roofs, natural sandstone to the external walls, with windows and doors of light oak PVCu frames. The design of the proposed new dwellings will also incorporate architectural masonry dressings, including stone coping to parapet walls above the main roofs, stone quoins to the principal corners, stone surrounds to the fenestration and stone gable vents.

*i) Developments should not result in loss of important open space, including public and private playing fields.*

5.4.15 There will be no loss of important open space as part of the proposed development, and the Council have accepted through the planning history of the site, that the creation of three dwellings on the application site does not conflict with this policy.

*j) Developments should not damage SSSI's, County Heritage Sites, Local Nature Reserves or sites of nature conservation importance.*

5.4.16 The site is not within an SSSI, County Heritage Site or a Local Nature Reserve or any other site of nature conservation and will not have a negative impact on these. The Council have also accepted, through the planning history of the site, that the creation of three dwellings on the application site does not damage a site of nature conservation.

*k) Developments should not require culverting, artificial channelling or destruction of a watercourse. Wherever possible water courses should be maintained within a reasonable corridor or native vegetation.*

5.4.17 The proposal does not involve the diverting or culverting of any watercourse.

*l) Developments should be economic in the use of land, water and aggregates and should not prejudice future development which would provide significant environmental and amenity improvements.*

5.4.18 The proposed development will make use of previously developed land and is economic in its use of land.

*m) Where it is the intention to rely upon a private water supply, developments should provide an adequate means of water supply which will not derogate the existing users.*

5.4.19 The proposed development will make use of the existing water supply.

### **Policy G5**

5.4.20 Policy G5 sets out the criteria against which proposals outside the main settlement boundaries and village boundaries will be determined. The main policy consideration is that proposals are small in scale, as this is needed to protect the countryside from inappropriate development. The policy sets out five criteria to which development outside a main settlement boundary will be granted and of this list our clients' proposal strongly conforms to the following:

*i) Essential to the local economy or the social well being of the area,  
v) Other small scale uses appropriate to a rural area which conform to the policies of this plan.*

5.4.21 We consider that our clients' proposal conforms to the above as the proposal will benefit the local economy as the existing services provided within the

villages of Waddington and Slaidburn will have an increased customer base to serve. It is likely that the works to demolish the series of buildings at the site and erect three detached dwellings will be undertaken by a local building contractor and the proposal will also therefore benefit the local economy in this way. The approved scheme was for the conversion/re-development of The Moorcock Inn to form three dwellings and the Council has in making this decision demonstrated that the use of the site for residential purposes has been met with approval and as such is considered an appropriate use for the site.

- 5.4.22 Below the wording of Policy G5 itself there are some explanatory notes with regard to the reasons for the restrictive nature of the policy, these state:

*“the policy recognises the need to protect the countryside from inappropriate development. In doing so it must be accepted that the countryside is a working area and a source of many Ribble Valley residents’ livelihoods. As such it is subject to change and to development pressures; if properly managed these can be accommodated without harming the basic character of the area.”*

- 5.4.23 Clearly this highlights the fact that development is restricted in order to protect the countryside from inappropriate development and therefore development that may have a negative impact on the visual amenity of the countryside. However, the development that is proposed in this application will have significantly less visual impact than the existing buildings that comprise the Moorcock Inn or the approved redevelopment scheme and the refused previous application. They re-use a large area of previously used land and turn this into landscaped areas which will support vegetation that will soften the impact of the proposed development and whilst we would argue that the proposed development does conform with paragraphs (i) and (v) of Policy G5 in any event it certainly does not result in an adverse impact on the countryside. In reality the conversion and redevelopment of the Moorcock Inn is we believe a non-viable commercial proposition in the current market, a market that is not likely to improve for many years, and the proposed new build development is much more likely to come to fruition and result in the re-use of this redundant commercial site, which will deliver a significant visual improvement to the area. This development will happen more quickly and therefore the proposed housing will become deliverable which is also very important.

### **Policy G8**

- 5.4.24 Policy G8 states:

*“In its consideration of all development proposals the Council will take full account of the need to (a) remove and reclaim contaminated land, derelict and disused sites, which cause clear environmental damage, for uses in accordance with the provisions of this plan.”*

- 5.4.25 Clearly the application site is now derelict and disused and whilst the scheme for redevelopment of three dwellings has been approved this would still leave the former car park and no proposals have been approved for the re-use and

reclamation of this area of land. We consider that the circumstances relating to this development site, which is located within the Forest of Bowland AONB, are relatively unique and the development proposed in this application would re-use the whole of the previously used land which would then result in visual improvements to the AONB as a consequence.

### **Policy ENV1**

- 5.4.26 Policy ENV1 deals with development in the Area of Outstanding Natural Beauty and states:

*“The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. In addition development will also need to contribute to the conservation of the natural beauty of the area. The environmental effects of proposals will be a major consideration and the design, materials, scale, massing and landscaping of development will be important factors in deciding planning applications. The protection, conservation and enhancement of the natural environment will be the most important considerations in the assessment of any development proposal. Regard will also be had to the economic and social well-being of the area”.*

- 5.4.27 We consider that our clients’ proposal conforms to the above policy as the proposal for the demolition of the existing series of buildings and the subsequent erection of three detached dwellings will in our opinion significantly improve the visual appearance of the site when viewed from the immediate vicinity and from more distant views. The principle of developing three dwellings at the site has already been established and this planning application proposes a scheme which will improve the character and visual quality of the area which is the principle requirement of Policy ENV1.
- 5.4.28 The scheme to create three new detached dwellings will replace the large mass of unattractive development that currently exists immediately adjacent to the road side. The three new dwellings have been carefully designed to maintain and enhance the open nature of the bulk of the site. The scheme removes what has become a large incongruous series of buildings and replaces it with three separate building masses that are have a similar footprint to the existing buildings. The proposal will also reduce the visual impact of the application site by constructing the dwellings further into the site and setting the dwellings down in level as shown on the proposed cross sections that accompany this planning application. The building materials and the architectural style of the existing buildings are not in keeping with the vernacular of other buildings, within the immediate locality to the application site or the wider borough. We consider that the proposal incorporates materials that are in keeping with the vernacular of the local area and they will be constructed with a high degree of design and architectural style. The current proposal will also incorporate an increased amount of landscaping which will help to further reduce the visual impact of the proposal, with landscaping proposed at the site boundaries and in between the proposed properties. The current proposal has taken due

consideration to the effects of massing by reducing the scale and mass the size of dwellings as put forward by the previous proposal.

- 5.4.29 The proposal also makes an allowance for a dedicated belt of landscaping along the highway edge, which we feel is an improvement on the approved redevelopment scheme, as that proposal retained the existing built form along the highway edge. We feel the scale of the proposal is appropriate given the size of the plot and of the buildings that will be replaced. The dwellings will also be set further into the application site thereby reducing the visual prominence of the buildings. The proposal will incorporate renewable and green technologies which will reduce the environmental impact of the development.
- 5.4.30 We consider that our clients' proposal will provide economic benefits to the villages of Waddington and Slaidburn providing local services and facilities with an increased customer base. The proposal will also benefit the local economy, through the implementation of the planning consent, as it is likely that a local contractor will carry out the works. The proposal will also improve have a knock on effect to the local area and community by redeveloping an existing group of buildings and site, which have now become dilapidated and in parts are in a dangerous condition and an eyesore and have a detrimental effect on the AONB.
- 5.4.31 The justification to Policy ENV1 states amongst other things that:

*“The Forest of Bowland Area of Outstanding Natural Beauty is of recognised national landscape value. The principal duties of the local planning authorities who administer this area are the conservation and enhancement of its natural beauty. This does not mean that no development will be allowed in the area.”*

- 5.4.32 The principle of the residential use at the site has already been established by the Council. The proposed scheme removes what has become a large incongruous series of buildings and replaces it with three separate building masses that are more evenly spaced across the site of the pub and associated car park. We are of the firm opinion that the proposed development will maintain and enhance the natural beauty of the AONB and will result in a development which will incorporate a greater degree of openness within its design and layout than the existing and result in an appropriate landscaping scheme. As stated earlier in this supporting statement the AONB officer has confirmed *“that the development of three dwellings could represent a positive improvement to the visual appearance of the AONB and should be supported”*.

#### **Policy ENV24**

- 5.4.33 Policy ENV24 is a policy concerning the benefits to the environment of providing renewable energy sources within proposals. The policy acknowledges the important role in which renewable energy sources can help to reduce carbon emissions and contribute to on-going energy needs. We consider that the small scale solar PV panel installation and a ground or air

source heat pump primary heating system proposed as part of this development demonstrate that our client's proposal conforms to this policy without having a significant detrimental effect on the local area.

## Policy H2

5.4.34 Policy H2 is a policy concerning developments outside the settlement boundaries and gives criteria for the consideration of residential proposals within these areas. It is acknowledged that the proposed development does not fall into any of the three identified exceptions which allow new build residential development to be developed outside of the settlement boundaries. However we consider that this alone should not result in the application being refused, we believe that it is of fundamental importance to consider the rationale that has resulted in this policy and to consider the proposal in this context. In addition to this it is identified in the report to the committee meeting concerning the previous application, that due to the age of the Local Plan and the policies contained within it, that little weight should be afforded to the plan, and in light of this little weight should be afforded to Policy H2 when considering this current proposal. This view was clearly supported by the Planning Inspector in his decision in respect of application number 3/2012/0477 where he states:

*"The positive aspects of the development set out in the previous paragraph and the presumption in favour of sustainable development are material considerations that indicate, in this case, that the appeal shall be determined other than in accordance with the Development Plan".*

5.4.35 We consider that the proposed development supports the fundamental principle of this policy in protecting the attractive open countryside and supports the comments and wording of the final paragraph of the policy quoted below:

*"The impact of proposals on the countryside will be an important consideration in determining all applications. Development should be appropriately sited and landscaped. In addition, scale, design and materials used must reflect the character of the area, and the nature of the enterprise."*

5.4.36 Below the actual wording of Policy H2 itself there are some explanatory notes with regard to the reasons for the restrictive nature of the policy, these state:

*"The protection of attractive open countryside for its own sake is an important element of both national and county planning policy. To achieve this, development in the countryside must be strictly controlled"*

5.4.37 As we have already made clear in this report the approval of the proposal to build three new dwellings and demolish the existing buildings and remove the car park together with the associated landscaping will significantly improve the attractiveness of the site and consequently the surrounding area and therefore allowing the development to proceed would not in any way prejudice the objectives of this policy. In support of this opinion Nigel Evans MP, the

Forest of Bowland AONB officer and the senior landscape architect at the County Council are all of the opinion that the development would provide a positive improvement to the visual appearance of the AONB. The existing buildings are highly visible and prominent; the current proposal will reduce the level of this prominence by constructing the dwellings further into the site and constructing the dwellings at a reduced level. This will provide an improvement in this regard over and above the existing buildings, the approved conversion scheme and the refused application. Appropriate landscaping will be incorporated into the development to screen the properties and in particular along the boundary with the highway. The proposed dwellings as put forward by this proposal are of an appropriate scale and design and make use of materials that reflect the character of the local area. The proposed dwellings are of a similar scale and size to the existing buildings and to other similar developments recently approved within the Borough.

5.4.38 The existing buildings are in a very poor state of repair and neglect and continue to deteriorate as each day passes, having a significant detrimental effect on the AONB. We do not consider that the implementation of the planning consent to convert/redevelop the site will be implemented as no developer or interested party has come forward to purchase or show an interest in carrying out this work, during the marketing of the property with this planning permission. The existing buildings are also a target for crime, given that there is little day to day use of the site which invariably leads to the damage and removal of parts of the structure allowing the building to fall further into disrepair.

5.4.39 In simple terms this proposal therefore presents the Council with two clear outcomes/possibilities; the continued decline and neglect of the existing property and associated detrimental visual impact that this has onto the local area of the removal of this structure and the creation of three dwellings which are sympathetically designed and positioned. The proposal will help to address the shortfall in housing numbers within the Borough by creating a deliverable development.

### **Policy EMP11**

5.4.40 Within the report to the Planning and Development Committee Meeting in connection with the previous application it states that Policy EMP11 of the Local Plan is a saved and relevant policy when considering this proposal. Clearly the policy looks to limit the loss of employment land; however the planning officer in the report to Committee states that:

*“Policy EMP11 of the Local Plan should be afforded little weight in determination of the application but that, in any event, the requirements of that policy have been satisfied by the unsuccessful marketing of the property that has been ongoing for in excess of 2 years.”*

5.4.41 We therefore conclude that the requirements of Policy EMP11 have been satisfied.

## 5.5 Local Development Framework

### **Council's Core Strategy Regulation 22 Submission Draft**

- 5.5.1 The plan making process has changed in recent years with a system that seeks to put in place a Local Development Framework that will provide the basis for guiding investment decisions, determining planning applications and managing how the local area will change over future years. All Local Planning Authorities (LPAs), like Ribble Valley Borough Council, have a legal duty to prepare a framework, and gradually as the LDF is put in place, it will replace the Districtwide Local Plan (originally adopted in June 1998).

#### **Key Statement DS2: Presumption in favour of sustainable development**

- 5.5.2 Key Statement DS2 identifies that the Council will follow the positive approach that reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework and states that planning applications which accord to the policies of the Local Plan will be approved.
- 5.5.3 We consider that our client's proposal presents the Council with a number of benefits which support the aims of the saved policies of the Local Plan and NPPF. The principle of the development has widely been accepted by the Council as a sustainable form of development and we provide examples of similar approved proposals within the local area within this supporting statement. The scheme can also be regarded as sustainable and efficient by helping the Council to address the housing shortfall identified in a recent planning appeal, by increasing the number of dwellings within the Borough. A key aspect of this shortfall is the deliverability of proposal sites and we consider that given the nature and size of our client's proposal that the proposed development is deliverable whereas the approved development is not.

#### **Key Statement EN3: Sustainable development and climate change**

- 5.5.4 Key Statement EN3 states that all new development will be required to demonstrate how it will contribute towards reducing the Borough's carbon footprint. Our client's proposal will incorporate solar photovoltaic panels which will generate electricity for each of the dwellings. The proposal will also incorporate high levels of thermal insulation and low levels of air permeability in line with the current building regulations. As part of this process it will be necessary to undertake design and as-built stage, Standard Assessment Procedure (SAP) calculations, to demonstrate that the completed dwelling will achieve compliance with government set limits of carbon emissions.

#### **Key Statement EN4: Biodiversity and Geodiversity**

- 5.5.5 Key Statement EN4 is concerned with conserving and enhancing the Borough's biodiversity and geodiversity and states that negative impacts on biodiversity should be avoided. The application site is not within any nature

area restriction and can therefore have no negative impact on any such area. A bat and barn owl report has been undertaken by a licensed ecologist who confirms that there is little evidence of any protected or endangered species found within the existing buildings.

### **Key Statement DMI2: Transport Considerations**

- 5.5.6 Key Statement DMI2 seeks to promote the reduction in use of the private car and encourage an increase in use of public transport and travel by foot and cycle. As stated there is an extant permission for the conversion of the existing buildings into three residential properties. There is therefore no difference between the approved proposal and the current proposal in terms of transport considerations. Given the location of the application site it is unreasonable to expect the public transport network to serve the site; however this should not preclude any development from taking place and should not be a reason for refusal.

### **Policy DMG 1: General considerations**

- 5.5.7 Policy DMG 1 sets out a schedule of criteria against which development proposals within the Borough will be assessed, and we consider each of these criteria in detail below, and provide justification for our client's proposal against each of the criteria.

- *They have a high standard of building design which considers the eight building in context principles (from the CABE/English Heritage Building on Context Tool Kit).*

- 5.5.8 The proposed development is considered to be of a high standard of building design, being constructed of traditional local materials which are appropriate for the intended use of the building and site.

- *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.*

- 5.5.9 The development is sympathetic to the existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials. It is our firm opinion that the scale and massing of the dwellings is appropriate when taking into account the amount of development already on the site and other dwellings approved in the Borough. The scale of the proposed dwellings is similar to that of the existing buildings and the approved proposal. It is considered that the size of the properties to be created is appropriate for the application site and is suitable for modern day living. The Council have deemed that the use of the site for residential purposes is appropriate and ultimately sympathetic to the existing land use through the approval of the conversion/redevelopment application.

- *Consider the potential traffic and car parking implications.*

5.5.10 The properties are to be provided with sufficient private parking space appropriate for the size of the properties to be created. In terms of the potential traffic and car parking implications, there is little difference between the current proposal and the extant approved proposal and as such, it is our opinion that the Council have deemed the details of the proposal, in this regard, as acceptable. There will be a reduction in the amount of traffic at the site when compared with the former use of the site, a view which is supported by the Council and confirmed in the report to committee meeting concerning the previous application:

*"In relation to general activity, traffic movements etc it is considered that the less intensive use of the site for three dwellings would in some regards improve the amenities of the two nearby residential properties."*

- *Ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.*

5.5.11 The application site is served by an existing tarmac access track which is to be retained as part of the proposal. The track is in good condition and is of suitable width and size to serve our client's development. The access point onto the public highway is of a sufficient width with good visibility splays along Clitheroe Road, and is appropriate for the traffic generated by this proposal. The proposal will improve the vehicular access point by increasing the visibility splays along Slaidburn Road, with the removal of the existing building immediately adjacent to the highway, presenting an improvement over and above the approved conversion scheme.

- *Consider adequate day-lighting and privacy distances.*

5.5.12 The building properly takes into account day light and privacy distances as it is sited sufficiently far away from other properties. Natural screening to the private garden areas will be provided by the retention of the existing tree planting to the front undeveloped parcel of land. The dwellings will also be located in a position which will have little effect on any buildings within the local area, which is confirmed in the report to the committee meeting concerning the previous application, which states:

*"I do not consider that the current proposal would directly result in any detrimental effects upon the privacy or general residential amenities of the occupiers of the adjoining property that would be sufficient to represent a sustainable reason for refusal of the application."*

5.5.13 Although the above extract is taken from a report concerning a previous proposal, the fundamental issue of any impact onto neighbouring properties is no worse in the current proposal than the previous. It is considered that any impact is reduced given the reduction in the scale of the proposed properties.

- *Consider the environmental implications such as SSSIs, County Heritage Sites, Local Nature Reserves, Biodiversity Action Plan (BAP), Habitats*

*and Species, Special Areas of Conservation and Special Protected Areas, Protected Species, Green Corridors and other sites of nature conservation.*

5.5.14 The application site is not within any of the environmentally restricted areas mentioned above and as such can have no negative impact on any such area. A bat and barn owl report has been produced by a licensed ecologist, copies of which have been submitted to the Council as part of this application, which demonstrates that the existing buildings do not provide a suitable habitat for any endangered or rare wildlife and as such can have no negative impact on any such species.

- *Consider the protection and enhancement of public rights of way and access.*

5.5.15 There is no public right of way impacted by this development.

- *All development must protect and enhance heritage assets and their settings.*

5.5.16 The existing buildings have been identified as non-designated heritage assets by the Council, however a detailed inspection by a historic buildings expert has clearly concluded that the existing buildings are of very little heritage value and they have a negative impact on the surrounding countryside.

- *With regard to possible effects upon the natural environment, the Council propose that principles of the mitigation hierarchy code. This gives sequential preference to the following:*

1. *Enhance the environment*
2. *Avoid the impact*
3. *Minimise the impact*
4. *Restore the damage*
5. *Compensate for the damage*
6. *Off-set the damage*

5.5.17 The proposal looks to minimise and avoids any negative effect onto the environment by incorporating a formal landscaping scheme as part of the proposal. We believe that the proposal enhances the application site by removing the existing unsightly buildings. The proposal also looks to reduce the carbon footprint of the completed dwelling by incorporating renewable on-site technology and high levels of thermal insulation.

- *All new development proposals will be required to take into account the risk arising from former coal mining and, where necessary, incorporate suitable mitigation measures to address them.*

5.5.18 There are no mining issues on the site.

- *Achieve efficient land use and the reuse and remediation of previously developed sites where possible.*

5.5.19 The proposed development makes efficient use of the application site by creating three dwellings and increasing the numbers of dwellings within the Borough constructed on previously developed land.

- *Have regard to public safety and secured by design principles.*

5.5.20 There are no adverse effects with regard to public safety as a consequence of the development.

- *Consider the density, layout and relationship between buildings, which is of major importance. Particular emphasis will be placed on the visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of the development on the existing amenities.*

5.5.21 The density of the proposal is considered appropriate and in line with the extant permission for the conversion/redevelopment scheme which saw the approval of the creation of three residential properties. The current proposal does not seek to intensify the numbers of residential units at the site, and we therefore consider that the application site will not be overdeveloped. The proposal allows the proposed dwellings to sit within generous plots, appropriate to the size of properties that will be created, with ample space in between the dwellings. We have set out against other policies in this Planning Statement how the visual appearance of the dwellings is appropriate. We consider that there will be an improvement in the landscape character through the removal of the existing incongruous buildings. The proposal will have no detrimental impact on any nearby properties. The proposal also gives the opportunity for a local building contractor to carry out the construction works.

- *Not adversely affect the amenities of the surrounding area.*

5.5.22 The development will have no adverse affect on the amenities of the surrounding area.

- *Not prejudice future development which would provide significant environmental and amenity improvements.*

5.5.23 There will be no prejudiced future development which would provide significant environmental and amenity improvements these improvements will arise from the approval of this development proposal.

- *Not result in a net loss of important open spaces, including public and private playing fields, without a robust assessment of the site surplus to need.*

5.5.24 There will be no loss of open space as a consequence of this development.

- *Use sustainable construction techniques where possible and provide evidence that energy efficiency has been incorporated into schemes where possible.*

5.5.25 The development incorporates sustainable construction techniques and will exceed current building regulations standards in respect of thermal insulation and air permeability. As stated, a mandatory requirement of the building regulations application will be to carry out design and as built stage SAP assessments to demonstrate that the dwellings comply with the thermal efficiency part of the building regulations. The regulations will also require a set of design and as built stage water usage calculations, which will demonstrate that the amount of water used in the dwelling per day, meets the requirements of the building regulations. To achieve this, low flush volume WCs and low capacity baths will be incorporated into the scheme. Sustainable surface and foul water drainage systems are proposed.

- *Consider air quality and mitigate adverse impact wherever possible.*

5.5.26 The proposal will have no adverse impact on air quality.

- *The Code for Sustainable Homes and Lifetime Homes should be incorporated into schemes.*

5.5.27 The principles of both the Code for Sustainable Homes and Lifetime Homes, will be incorporated into the detailed design of the dwelling, and aspects of both will be enforced through the building regulation application process.

- *Regard to the availability to key infrastructure with capacity, where key infrastructure with capacity is not available it may be necessary to phase development to allow infrastructure enhancements to take place.*

5.5.28 There is sufficient infrastructure to allow the development to proceed.

- *Consider the potential impact on social infrastructure provision.*

5.5.29 There will be no adverse impact on social infrastructure provision.

### **Policy DMG 2: Strategic considerations**

5.5.30 Policy DMG2 deals with strategic considerations and states that developments should be in accordance with the Core Development Strategy and should support spatial vision. It states that outside the settlement areas development must meet at least one of a number of criteria stated in the policy, and of which our client's proposal strongly conforms to the following:

- *The development should be essential to the local economy or social well being of the area,*
- *Development is for small scale uses, appropriate to a rural area where local need or benefit can be demonstrated.*

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5.5.31 The policy goes on to state:

*“Within the open countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting.”*

5.5.32 Our client’s proposal strongly conforms to the above statement and the two criteria quoted from the policy. Whilst the development cannot be regarded as essential for the local economy, it is important to bear in mind that the proposal will present a number of benefits to the local economy. The creation of three dwellings on the site will increase the customer base which the existing amenities and services within the villages of Waddington and Newton serve. Given the nature of the proposal, it is possible that the works to demolish the existing buildings and construct the dwellings will be carried out by a local building contractor serviced by local suppliers, and not a large national house builder. We believe that the successful implementation of a planning consent, if issued, will have a positive effect onto the local area by rejuvenating a site, which the Council have confirmed as visually prominent, by removing an existing group of buildings whose useful life has come to an end and are in a state of continual decline. The development is for a small scale use which has been deemed appropriate by the Council, in other similar locations in the Borough and the development is in keeping with the character of the local area. Through the approval of the conversion/redevelopment scheme, the Council have also accepted the principle that the use of the site for three residential dwellings is appropriate. The scale of the dwellings put forward by the current proposal is similar to the scale of the existing buildings and those approved within the conversion proposal. The proposed design and materials chosen are also similar to those of the approved conversion scheme and the size; design; materials and siting of the current development are all therefore deemed to be appropriate.

5.5.33 The policy goes on to give guidance on developments located within the AONB. The exact wording of this guidance is stated below:

*“In protecting the designated area of outstanding natural beauty the Council will have regard to the economic and social well being of the area. However the most important consideration in the assessment of any development proposals will be the protection, conservation and enhancement of the landscape and character of the area avoiding where possible habitat fragmentation. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build. Development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the AONB by virtue of its size, design, use of material, landscaping and siting. The AONB management plan should be considered and will be used by the Council in determining planning applications.”*

5.5.34 We have provided reasoned justification on the points raised in the above extract, however it is important to bear in mind that the policy states, that whilst it is preferable for development within the AONB to re-use existing

buildings, it is not mandatory; “...*development should be accommodated...*”, and, “...*in most cases is...*”. This therefore means that development proposals, which do not re-use existing buildings are not precluded outright and where such proposals are able to demonstrate compliance with other local and national policies and can demonstrate why it is not appropriate to re-use buildings we consider development proposals should be approved. We set out against Policy DME4: Protecting Heritage Assets why we believe it is not appropriate to retain and convert the existing buildings.

5.5.35 The policy states that the most important consideration in the assessment of any development proposals within the AONB will be the protection, conservation and enhancement of the landscape and character of the AONB. We have demonstrated within other parts of this Statement very clearly how our client’s current proposal supports these aims of the policy.

### **Policy DMG 3: Transport and mobility**

5.5.36 The policy states that in dealing with applications the Council will consider and give weight to a number of different factors and criteria for the approval of developments. Of this criteria our client’s proposal strongly conforms to the following:

- *The availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development.*
- *The relationship of the site to the primary route network and strategic road network.*
- *The provision made for access to the development by pedestrian, cyclists and those with reduced mobility.*
- *Proposals which promote development within existing developed areas or extensions to them.*
- *Applications which are highly accessible by means other than the private car.*
- *Proposals which strengthen existing town and village centres which offer a range of ever-day community shopping and employment opportunities by protecting and enhancing their vitality and viability.*
- *Proposals which locate the development in areas which maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities which they need to visit regularly.*

5.5.37 The policy goes on to state that all development proposals are required to provide adequate car parking and servicing space in line with currently approved standards. The proposed development plans which accompany the application show the level of parking and servicing space for larger vehicles, which we consider is appropriate and no less than the approved conversion/redevelopment proposal.

5.5.38 Given the location of the application site it is not feasible or practical to expect the site to be served by the public transport network. However this should not preclude the site from being developed. The Council have also deemed that the

application site in regards to transport and mobility, meets the requirements of this policy by the approval of the conversion/redevelopment scheme.

**Policy DME2: Landscape and Townscape protection**

- 5.5.39 The overarching aim of the policy is to enhance the local landscape and to retain important landscape or landscape features, and where proposals cause harm to landscape features, proposals will be refused. The design of the proposal and materials used are traditional and are widely accepted by the Council as appropriate for use in such a location and the design of the dwellings is based on precedence sets by the Council.
- 5.5.40 The proposal incorporates a formal landscaping scheme, which will incorporate landscaping along the highway edge, land in between the properties to be created by this proposal and the land to the front (south) of the front of the existing buildings. This will present the Council with an improvement in this regard over and above the approved conversion/redevelopment scheme.

**Policy DME3: Site and species protection and conservation**

- 5.5.41 Policy DME3 states that proposals that adversely affect biodiversity and priority habitats and species will be refused. To safeguard and mitigate against any harmful effects the development may have, the Council is able to use planning conditions and agreements to secure the protection of the natural environment. As already stated a bat and barn owl survey had been undertaken, and concludes that there is little evidence of any protected species found on the application site, that would prohibit the development from going ahead. Copies of the survey have been submitted to the Council as part of the application submission.

**Policy DME4: Protecting Heritage Assets**

- 5.5.42 Policy DME4 seeks to ensure that the historic environment, and designated and non designated heritage assets are protected and enhanced through development proposals. Whilst the policy resists development which would have a harmful effect on a building or site of importance in this regard, the NPPF concedes and makes provision for developments which do so, and where compliance with strict tests and guidance can be demonstrated, proposals should be approved.
- 5.5.43 The report prepared by Jubb and Jubb clearly concludes that there is no benefit derived by retaining The Moorcock Inn and the fact that The Moorcock Inn is a non designated heritage asset should not be used as a reason to prevent the approval of this application.

**Policy DMH3: Dwellings in the open countryside and AONB**

- 5.5.44 Policy DMH3 sets out a limited number of situations where residential development can take place in the open countryside and is similar to the out of

date Policy H2 of the local plan. While our client's proposal falls outside the situations listed within the policy, we firmly believe that in consideration of all of the material planning considerations the Council should look favourably upon this application particularly in light of the planning appeal decision in respect of application number 3/2012/0477, which is has almost identical circumstances to this application, although in this case the principle of having three dwellings in this location has already been established.

## **5.6 Supplementary Planning Documents**

### **Addressing Housing Need in Ribble Valley: Housing Policy (Adopted January 2012)**

- 5.6.1 In accordance with this recently adopted document, the proposed development is for a total of three detached dwellings and there will be no requirement for the provision of affordable housing.

## **6. SIMILAR DEVELOPMENT APPROVED WITHIN THE BOROUGH**

- 6.1 The Council have allowed the erection of new build replacement dwellings in the AONB that have been significantly larger than the original dwellings that they have replaced and greatly in excess of the 10% or 50m<sup>3</sup> increase specified in Policy H14. This has largely been justified because the proposed development is more in keeping than the existing and has therefore resulted in visual enhancement to the AONB or countryside area. Having accepted the principle of three residential units at the application site the Council should now consider whether the alternative proposal set out in this application represents a more appropriate development in terms of the impact upon the AONB.
- 6.2 In the extreme planning application number 3/2012/0010 highlights just how much additional development has been considered acceptable in respect of replacement dwellings. In this case a replacement dwelling (mansion house) has been approved that extends to approximately 20,000 square feet on the site of an exiting dwelling measuring only 3,000 square feet. Although the application site is not in the AONB it is on the fringe of the AONB and leaves us somewhat perplexed as to how this is acceptable but replacing a similar volume and footprint of brownfield development with three dwellings is not.
- 6.3 While we acknowledge that the principle of replacing an existing dwelling with a new larger dwelling is not the same as replacing a mixed use commercial building with a single unit of residential use with three dwellings we might reasonable be able to expect to obtain planning permission for a single very large dwelling given the precedent set by other approvals and yet the impact on the AONB will not be very different from an approval for three dwellings. In this respect we consider that the Council should amend the core strategy to allow the form of development proposed in this application.

## 7. RELEVANT PLANNING APPEAL DECISIONS

- 7.1 Prior to submitting any planning applications for development at The Moorcock Inn and during pre-application discussions with Colin Sharpe, the planning officer who has dealt with both of the applications previously submitted, he made us aware of an application for two dwellings on the site of a former abattoir on Clerk Hill Road, Whalley. Reference to this application was made to highlight the Council's position on not allowing new build dwellings in the open countryside and the AONB as a consequence of adopted Policy H2. The planning application for two replacement dwellings had been refused by the Council however the applicants submitted a planning appeal and a decision in respect of this planning appeal was made last month, on 8 March 2013, and it was approved. It is very clear that the approval of this appeal offers significant weight to the approval of this current planning application.
- 7.2 Our argument with the application that was refused, one which is restated with this application, is that the demolition of The Moorcock Inn and the redevelopment of the entire site incorporating the former car park area offers an opportunity to provide development that will enhance the attractiveness of the AONB whilst at the same time providing no more residential units of accommodation than have already been approved in a conversion scheme. It will prevent the site being an eye sore and the buildings becoming derelict and vandalised.
- 7.3 The refusal of the previous application was for three reasons, one of them was reliance upon Policy H2 of the adopted local plan and draft Policy DMH3 of the Core Strategy, in respect of which we have always acknowledged that this proposed development does not conform. The planning appeal however makes clear that it is necessary to take into account all material considerations when making a planning decision and the state of dereliction of The Moorcock Inn. The non-viability of the conversion scheme in the current market and the benefits that its demolition and redevelopment will offer over and above the conversion scheme to the attractiveness of the AONB, which is fully supported by the Council's own consultees, are considerations which when coupled with the NPPF requirement for a presumption in favour of sustainable development, lead us to believe that the Council should be able to support the current application. On appeal we believe an inspector would come to the same conclusion as the inspector dealing with the appeal in respect of application number 3/2012/0477 and allow the development to proceed on the basis that in the words of that inspector:

*"the proposed development would involve the re-use of previously developed land, would improve the character and appearance of the area, would ensure that the site does not, in the long term, become redundant and an eye sore in the AONB, and would contribute in meeting the housing requirement of the Borough. The development on balance and compared to the retention of the existing use and buildings or their conversion would be a sustainable use of land. Paragraph 49 of NPPF states that "housing applications should be*

*considered in the context of the presumption in favour of sustainable development”.*

- 7.4 A copy of the inspector’s decision in respect of application number 3/2012/0477 is attached at appendix 1.

## **8. SUMMARY AND CONCLUSION**

- 8.1 The Moorcock Inn has been vacant for several years and is the subject of theft and vandalism it is openly accepted that it has no future in its previous use as a public house/hotel and that some form of redevelopment is required. It has become a redundant eyesore and a liability to the applicants. The principle of three dwellings at the application site has been accepted albeit from the alteration/redevelopment and extension of the existing buildings. However the approved scheme leaves the former car park undeveloped and in the current economic climate the approved scheme is not considered commercially viable.
- 8.2 The proposed development if approved would result in the demolition of The Moorcock Inn, which comprises a range of unattractive buildings immediately adjacent to the main road and the erection of three detached dwellings and detached garage blocks together with the creation of garden areas. Planning permission has already been granted on 6 August 2012 under application number 3/2012/0356 for the proposed conversion and redevelopment of the buildings and the use of part of the current application site to provide three private residential properties. The current proposal would not result in an increase in the number of residential properties at the site.
- 8.3 Although a similar planning application was refused under application number 3/2012/0819 this does not preclude the approval of this application which has made amendments to the proposed development such that the Forest of Bowland AONB Officer and the senior landscape architect for the County Council have indicated their support of the proposal in principle in pre-application correspondence therefore overcoming in our opinion reason number 3 of the refusal. We are in no doubt that the approval of the proposed development will have a positive impact on the visual amenity of the AONB.
- 8.4 A Heritage Statement is included with the application which is based on the Heritage Statement that was submitted with the approved scheme (Application Number 3/2012/0356) its conclusion is that The Moorcock Inn is not considered to have any architectural merit which would lead us to believe that it is worthy of retention or that would prevent it from being demolished. The more recently commissioned Statement of Significance of The Moorcock Inn prepared by Lynda Jubb of Jubb and Jubb Chartered Surveyors, Historic Environment Advisers concludes that the existing buildings are of very little significance and that:

*“There is little to recommend the building ranges for protection, re-ordering or re-use. Therefore the conservation of the heritage values for this site, in our opinion, is best undertaken by*

- *Recording the buildings to level 3 if demolition is to be permitted and offering the record to Lancashire's HER.*
- *Conserving in-situ walls and outbuildings where these contribute positively to landscape character."*

8.5 We are therefore firmly of the opinion that the Councils reason number 2 for refusing the application is not sustainable and would not be upheld on appeal should this application be refused for the same reason.

8.6 There was only one objection to the previous application from an immediately adjoining neighbour and none from any residents of the nearby villages, which clearly demonstrates that there is no opposition locally to the principle of demolishing The Moorcock Inn and erecting three high quality new build dwellings in its place.

8.7 The application site is brown field and is defined as previously developed in the NPPF. The buildings on site are vacant and are in a poor state of repair and their condition continues to deteriorate on a daily basis resulting in an eyesore and while the proposed development does not accord with Policy H2 of the adopted Local Plan or Policy DMH3 of the draft Core Strategy planning decisions need to take into account all material planning decisions and must therefore have regard to the problem that will arise from the existing buildings being redundant, dilapidated and an eyesore and the lack of any real prospect of this situation improving in the in the long term. Given the similarity of the circumstances between this application and application number 3/2012/0477 which was approved very recently on appeal we are of the opinion that the application must be supported by the Council and should clearly be approved. In the event that the application is not approved we will appeal a refusal and would be very confident of achieving a costs award.

Signed..........Date.....15/04/13.....

**A J Mitchell BSc (Hons)**

**For & on behalf of Gary Hoerty Associates**



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**APPENDIX 1**

**Planning appeal decision in respect of The Abattoir, Clerk Hill Road,  
Whalley, Application Number 3/2012/0477**





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## Appeal Decision

Site visit made on 11 February 2013

by **John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

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

Decision date: 8 March 2013

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**Appeal Ref: APP/T2350/A/12/2188166**

**The Abattoir, Clerk Hill Road, Whalley BB7 9DR**

- 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 Heywood Butchers against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2012/0477, dated 9 May 2012, was refused by notice dated 24 September 2012.
  - The development proposed is the erection of 2 no. residential dwellings following the demolition of the existing abattoir.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 no. residential dwellings following the demolition of the existing abattoir at The Abattoir, Clerk Hill Road, Whalley in accordance with the terms of the application Ref 3/2012/0477, dated 9 May 2012, subject to the following conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

## **Procedural matter**

2. The application was submitted in outline form with only access as a matter for consideration. The appeal will be determined on this basis. Drawings submitted with the application illustrating the layout and design of two dwellings on the site are considered to be for illustrative purposes only.

## **Reasons**

3. The appeal site is in the countryside. The Appellants accept, in this regard, that the proposed development is in conflict with saved policies G5 and H2 of the Ribble Valley Districtwide Local Plan (LP), which is part of the Development Plan for the area. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal be determined in accordance with the Development Plan unless material considerations indicate otherwise.

4. The main issue is whether material considerations indicate that the appeal shall be determined other than in accordance with the Development Plan.

5. LP policies G5 and H2 direct development, in particular housing development, to locations within settlements and seek to restrict development in the countryside. These provisions are in step with those in an emerging Core Strategy (CS), which will be part of a Local Development Framework for the area, and with overall countryside policy in the National Planning Policy Framework (NPPF), which was published less than one year ago. There is no reason therefore not to afford LP policies G5 and H2 full weight. The Appellants have put forward a number of material considerations that, they claim, outweigh policy considerations.

6. The abattoir is located towards the end of a dead end country road, about the last 200 metres of which is unmade and potholed. It is claimed that the existing use "...generates a considerably greater level of traffic and vehicle movements..." than would be associated with the proposed two dwellings. But no information has been provided on the type and number of vehicle movements associated with the existing use. In the absence of any evidence it is not possible to give this matter any weight.

7. The Appellants refer to a core principle of the NPPF to 'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'. The appeal site is occupied by an unattractive group of utilitarian buildings and cannot be regarded to be of high environmental value. Utility services and foul drainage are likely to be in place to provide the necessary infrastructure for the two dwellings.

8. The buildings on the appeal land are constructed in a variety of materials, are random in form, and are unattractive. They are visible from footpaths in the vicinity and, in particular, from Clerk Hill Road, and they detract from the character and appearance of the landscape of the Forest of Pendle Area of Outstanding Natural Beauty (AONB) within which they are located. Two dwellings on the land would not need to be any greater in footprint or scale to the existing buildings and would be located between existing dwellings. Overall, the proposed development would improve the character and appearance of the area.

9. The demolition of the existing buildings and the construction of two new dwellings would use a considerable quantity of energy and this would probably not be offset by the energy efficiency of the dwellings. Whilst the dwellings would be energy efficient, compared to the existing abattoir, the proposed residential

development, overall, would not promote the sustainable use of resources. This having been said, the sustainability credentials of the proposed development include the re-use of previously developed land and the improvement of the character and appearance of the AONB. They would also include the removal of a use that, evidence indicates, causes harm, as a result of noise and odour, to the amenities of residents of dwellings adjoining the site.

10. The abattoir has been advertised for sale as a going concern over a 12 month period but no offers have been made. Given the access difficulties, particular during winter months, it is unlikely that the business could be sold as a going concern. The access difficulties are also likely to deter any interest from potential users of the buildings for alternative business purposes. Evidence suggests that an abattoir in this upland, remote, countryside location is unsustainable and that the business is likely to fail in the not too distant future. If this was to occur the buildings would probably remain unused and would fall quickly into a dilapidated state.

11. In their appeal statement the Appellants have substantiated a claim that the Council cannot demonstrate a five year housing land supply. The Council has not commented on this matter in their appeal statement and has not disputed the claim made by the Appellants by submitting any final comments in the appeal process. The conclusion must be, therefore, that the proposed development would make a contribution, albeit a small contribution, to meeting the housing requirements of the Borough.

12. The proposed development would involve the re-use of previously developed land, would improve the character and appearance of the area, would ensure that the site does not, in the long-term, become redundant and an eye-sore in the AONB, and would contribute to meeting the housing requirements of the Borough. The development, on balance and compared to the retention of the existing use and buildings, would be a sustainable use of the land. Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

#### Conclusion on the main issue

13. The positive aspects of the development set out in the previous paragraph and the presumption in favour of sustainable development are material considerations that indicate, in this case, that the appeal shall be determined other than in accordance with the Development Plan. Planning permission has therefore been granted for the erection of 2 no. residential dwellings following the demolition of the existing abattoir at The Abattoir, Clerk Hill Road, Whalley.

#### Conditions

14. Conditions 1 to 3 are the standard outline conditions for commencement and approval of reserved matters. Condition 4 requires the investigation and remediation of site contamination and is in line with a condition suggested by the Council. The suggested condition is over complicated and a simpler version, which provides all necessary planning controls, has been substituted for it.

*John Braithwaite*

Inspector

