



Appeal Decision

Site visit made on 20 November 2013

by Farooq Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 2 January 2014

Appeal Ref: APP/T2350/A/13/2202697

Wolfen Mill, Chipping, Preston, PR3 2GR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr M Lawson against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2013/0419 dated 30 March 2013 was refused by notice dated 24 July 2013.
 - The application sought planning permission for the conversion of existing dwelling and cottage to nine holiday lets without complying with a condition attached to planning permission Ref 3/01/0781P dated 3 December 2001.
 - The condition in dispute is No 4 which states that: The unit(s) of accommodation shall not be let or occupied by any one person or group of persons for a continuous period of longer than three months in any one year and in any event shall not be used as a permanent accommodation.
 - The reasons given for the condition is: The building is located in an area where the Local Planning Authority would not normally be minded to grant the use of building for a permanent residential accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is seeking the removal of the disputed condition in order that Wolfen Mill can be used as permanent residential dwellings as opposed to holiday accommodation.

Main Issue

3. The effect of the removal of the disputed condition on the objectives of securing sustainably located development.

Reasons

4. The conversion of Wolfen Mill to nine holiday flats was approved in 2001. The appeal site consists of two buildings and is associated with a large car park across Fish House Lane. The site is situated outside a settlement boundary and
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approximately 1.6km to the north-west of Chipping within the Forest of Bowland Area of Outstanding Natural Beauty.

5. Although the appellant considers the policies of the Ribble Valley Districtwide Local Plan (Local Plan) to be out of date, Local Plan Policy H2 which is relevant to dwellings in the open countryside, is consistent with the National Planning Policy Framework (Framework) in that it seeks to promote sustainable development by avoiding isolated new homes in the countryside (paragraph 55). I acknowledge that the proposal would not amount to new construction, nevertheless these requirements apply to all development.
6. The parties disagree on whether or not there is a five year supply of housing land in the Borough. The appellant's have referred to a number of appeal decisions¹ over the previous 12 months where it has been concluded that a five year supply of deliverable housing sites could not be demonstrated. The Council however contend with reference to recent housing supply figures that they can demonstrate up to a 6.83 years supply although they do state that should the annual requirement be increased to 250 dwellings based on more recent evidence, they would not be able to demonstrate a five year housing supply. I find the evidence to be inconclusive. Even if it were to be the case that a five year housing supply does not exist, paragraph 14 of the Framework states that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. In addition to paragraph 55 which relates to housing in the countryside, paragraph 30 requires that development is located where it is accessible to a range of sustainable transport modes, whilst paragraph 49 also states that housing applications should be considered in the context of the presumption in favour of sustainable development.
7. The Council have also made reference to a number of emerging policies from its Core Strategy (Regulation 22 Submission Draft) (CS) within the refusal notice. The Framework (paragraph 216) allows the decision maker to give weight to relevant policies in emerging plans. However, according to the Council, the Core Strategy is currently undergoing examination. As such, given the stage in preparation and the potential for the document to change, I give only very limited weight to emerging CS policies in this case.
8. The appeal site is situated amongst a small group of buildings but there are few, if any local services and facilities in the immediate area. The village of Chipping is located around 1.6km from the appeal site which the appellant states as containing a number of services and amenities resulting in it being the 6th equal out of 34 settlements in a study undertaken by the Council. Whilst the appeal site is within the walking distance threshold of 2km set out in the former Planning Policy Guidance 13 (PPG13) as well as well within the cycling distances, in this instance, it means walking or cycling along a narrow, unlit road without a footway. I also note from my site visit that the appeal site sits at the bottom of a valley and walking or cycling requires a steep ascent as well as negotiating a partially hilly route to the village. The appeal documentation ('Settlement Hierarchy', Ribble Valley Borough Council) also confirms that access to employment opportunities within the village are limited which would

¹ APP/T2350/A/12/2176977, APP/T2350/A/12/2181354, APP/T2350/A/12/2176828

entail travelling further afield. Consequently, whilst I do not doubt that some of the future occupiers would choose to walk or cycle, I consider the use of motor transport would predominate. This would be inconsistent with sustainably locating development, as promoted by the Framework.

9. Local Plan Policy H2 and paragraph 55 of the Framework set out a number of exceptions to the general restraint on housing development in the countryside. There is no substantive evidence before me that the proposal would meet the essential needs of a rural worker, would secure heritage assets or meet a specific proven local housing need notwithstanding the proposal would make a contribution to the overall supply of housing in the District. I also acknowledge that whilst there may be aspects of some Local Plan policies which suggest support for the scheme, these do not outweigh the harm I have identified.
10. The appellant has drawn my attention to a number of previous approvals by the Council for the removal of holiday let conditions. The Council state that they were considered before the Framework was in place. I have only been provided with limited details of such cases and I cannot be sure that they are comparable to the appeal application. The appellant also quotes an appeal decision² in which it is stated, similar to the referenced planning approvals, that the key issue was whether the appeal or application site formed part of a defined group of buildings. Whilst the appeal site in this case may not be isolated in the landscape and forms part of the vernacular architecture of the area, I have found its location to be distant from services and facilities and therefore unsuitable for permanent residential occupation.
11. I appreciate the appellant is looking to future proof from increased competition and they have also cited concerns regarding the economic downturn. In addition, a list of permissions granted over the previous 10 or so years for holiday accommodation has been provided. Whilst I recognise that this is a real concern for the appellant, the Council have doubted the accuracy of the figures and also state the level of holiday accommodation that exists, in what is a large popular tourist area, is not in their view an oversupply. Evidence has also been provided that shows the holiday letting business has been trading successfully, winning numerous awards. For these reasons, I am therefore only able to give this matter limited weight in determining the appeal.
12. The previous use of the appeal site as dwellings has also been raised with the Council clarifying that it was for a dwelling and cottage. Whilst a permanent residential use may have been the position previously, the current lawful use of the site is restricted to holiday accommodation and I have considered the proposal on this basis.
13. The Council have also referred to an appeal decision³ relating to the location of development in the countryside. I have however considered the proposal before me on its own merits.
14. I note the appellant's frustration at having received positive pre-application advice from the Council but for this to be later contradicted by the refusal of planning permission. However this is not relevant to this appeal which I have determined on its merits.

² APP/T2350/A/11/2167938

³ APP/T2350/A/13/2190947

15. I conclude that the proposal would not represent a sustainable pattern of development in the countryside. The proposal conflicts with Local Plan Policy H2 and paragraphs 30, 49, and 50 of the Framework, which among other matters, require protection of the countryside and the promotion of the sustainable location of development. Consequently, the proposal is not the form of sustainable development for which the Government intends there to be a presumption in favour. Whilst there may or may not be a five year supply of housing land, I conclude, with regard to paragraph 14 of the Framework, that the adverse impacts of the scheme would significantly and demonstrably outweigh the contribution the proposal would make to the housing supply, when assessed against the policies in the Framework as a whole.

16. For the above reasons I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR