
Appeal Decision

Site visit made on 28 April 2015

by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM

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

Decision date: 13 May 2015

Appeal Ref: APP/T2350/W/14/3001556

The Moorcock Inn, Slaidburn Road, Waddington, Clitheroe, Lancashire BB7 3AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Messrs S & A Thornber against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2014/0592, dated 26 June 2014, was refused by notice dated 17 October 2014.
 - The development proposed is the demolition of the Moorcock Inn and the erection of 7 No. dwelling houses including associated drives, gardens and external landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the emerging local plan was adopted after the application was determined by the Council but before the appeal was submitted. As the appellants have had an opportunity to respond to this material change in circumstances and given established case law, this appeal has been determined solely in relation to Key Statement DS1 and policies DMG2 and DMH3 of the Core Strategy 2008-2028 A Local Plan for the Ribble Valley 2014 (CS) and the National Planning Policy Framework 2012 (the Framework).
3. As the local plan has now been adopted, the proposed development would no longer have an adverse impact on the implementation of emerging policies thus overcoming the second reason for refusal. Consequently, I have determined this appeal on its individual merits and principally in relation to the first reason for refusal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the open countryside bearing in mind the need to conserve the landscape and scenic beauty of the Forest of Bowland Area of Outstanding Natural Beauty.

Reasons

5. The Forest of Bowland Area of Outstanding Natural Beauty (AONB) is dominated by a central upland core of deeply incised, heather-clad gritstone fells. The foothills that fringe the central core open out into the undulating

lowlands of the Ribble, Hodder, Wyre and Lune Valleys. The lower slopes of this upland fringe are characterised by a network of dry-stone walls; discrete woodlands; isolated farmsteads; and well-defined settlements. These contrast significantly with the dramatic open sweep of the gritstone heights that typify the grandeur and isolation of this protected landscape.

6. The appeal site is situated in a transitional zone between the high fells and upland fringe with some enclosed pastures to the east and south of the site whilst open moorland and high fells predominate to the north and west. Despite the presence of two nearby properties, Moorcock House to the northwest and Jolly Croft to the southwest, the location has a remote, wild quality. The proposed development would replace the building and curtilage of the former Moorcock Inn with a total of seven dwellings in a vernacular architectural style. The existing building has been vandalised and, as a result, water has penetrated to the ground floor level of its interior.
7. I observed from my site visit that the building has deteriorated to the point that a refurbishment and return to its former use would be unlikely. I accept that the existing site is detrimental to the special characteristics of the AONB and that the proposal would be on previously developed land. Notwithstanding local policy requirements, it follows that the proposal would need to remove this source of harm rather than simply replace it with another, irrespective of the fact that the site has been previously developed. Consequently, this issue turns on whether or not the proposed development would lead to a significant and positive material change in the character and appearance of the surrounding area.
8. Both parties agree that the existing building has a detrimental impact on the AONB. I find that this arises from a combination of the significant massing of the poorly designed ad hoc extensions; the use of highly incongruent materials such as a rendered, mock-Tudor façade; its extensive car park; and the unsympathetic planting of ornamental conifer hedging. The site occupies a prominent position that is not only highly visible from the surrounding fells but also to the users of the adjacent Slaidburn Road, the B6478. Whilst views of the site are partially obscured to southbound road users, this is not the case for northbound road users who are able to clearly see the site from a considerable distance because of its elevated position.
9. I accept that the proposal would use materials and design features that are more sympathetic to the vernacular architecture of the local area. In this respect, I acknowledge that the development would lead to some visual improvement. However, I note from the plans that plots 1-3 would extend beyond the footprint of the existing building and that the number of dwellings is such that a small hamlet would, in fact, be created. This would outweigh the above benefits because of the increased extent of the built form on the site and the additional visual impacts arising from the inevitable domestication of the associated curtilages.
10. The appellants have suggested that the impact of the development on the surrounding landscape could be mitigated through the use of a sensitive landscaping scheme. However, this would be an impermanent solution in the absence of a planning obligation and would not, in any event, mitigate the views of the site from the surrounding fells. The development would lead to a significant erosion of the remoteness of the location and lead to an unjustified

cluster of dwellings in the open countryside. Notwithstanding the views of the AONB officer, I find the proposal would be detrimental to the protected landscape and offer no significant improvement over the present situation on the basis of the evidence that is before me.

11. The appellants are of the opinion that the proposal would be acceptable because it would be on previously developed land and because it would promote sustainable rural development. In relation to the first point, Key Statement DS1 of the CS clearly states that the majority of development will be concentrated in the three principle settlements of Clitheroe, Longridge and Whalley, with additional development focussed towards the Tier 1 and Tier 2 villages. As the proposed scheme is beyond any of the defined settlement boundaries, development is restricted unless it meets the criteria specified in DMG2 and DMH3 of the CS. These policies are silent in relation to previously developed land and I acknowledge that paragraph 111 of the Framework advises that decisions should encourage reuse. However, the benefits from the reuse of such land would not outweigh the harm that would be caused to the AONB in this particular instance bearing I mind the great weight that should be attached to its conservation, as advised in paragraph 115 of the Framework.
12. I now turn to the second point. Whilst I accept that the proposal would make a small contribution towards the supply of housing; use reclaimed local materials; and may provide a limited number of local jobs during the demolition/construction phases, paragraph 8 of the Framework indicates that sustainable development can only be achieved where economic, social and environmental aims are sought jointly and simultaneously. Paragraph 9 goes on to indicate that sustainable development involves seeking positive improvements to the quality of people's lives as well as the built, historic and natural environments.
13. In addition to the harm to the protected landscape, further environmental harm would also arise from the remoteness of the location. This is because future occupants would be entirely dependent on the use of private motor vehicles to access places of work and local services. Bearing this in mind, I am not satisfied that the development would bring any significant long-term enhancement to the vitality of the local economy. This is because services could equally well be accessed near to places of work that lie beyond the boundaries of the local community.
14. In my judgement, having had regard to the policies of the Framework as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Consequently, it would not amount to a sustainable form of development and would thus be contrary to paragraph 14 of the Framework.
15. Given the above, I conclude that the proposed development would cause significant harm to the character and appearance of the open countryside contrary to Key Statement DS1 and policies DMG2 and DMH3 of the CS that seek, among other things, to ensure that development is primarily located within defined settlement boundaries and, when outside such boundaries, that it meets specific needs and is in keeping with landscape character and the special qualities of the AONB. I also find it contrary to paragraph 55 of the Framework as no special circumstances justifying new isolated homes in the open countryside have been adequately demonstrated.

Other Matters

16. The appellants have relied upon the Council's views in relation to previous planning applications to establish the sustainability of the location and suitability of the design. However, I do not have the full facts before me and each case must be judged on its individual merits.
17. The appellants are of the opinion that a previous appeal decision has established a precedent (Ref APP/T2350/A/12/2188166) for the reuse of previously developed within the AONB. However, I do not find this decision similar in all respects because: it predated the adopted plan; it was found to be sustainable; and the development was less extensive as it only involved the construction of two dwellings.
18. I accept that there were no objections to the proposal, however, this may have been for a number of different reasons. Consequently, a lack of objection cannot be relied upon to imply that the development is acceptable to all interested parties.
19. The appellants are of the opinion that finding a viable use for the site is a pressing matter because the building is unsafe. However, I have no substantiated evidence before me to suggest that less harmful, alternative proposals would fail to come forward. Moreover, the safety of the building is not a planning matter as potential harm to trespassers and passing road users is controlled by other legislation.
20. The appellants have suggested that the site would help the Council deliver its objectively assessed housing need and that the use of what they consider to be a windfall site is necessary because completion rates are below target for the Borough. The appellants have relied upon a comment to this effect that the Council made in relation to another application (Ref 3/2014/0517). However, this evidence does not demonstrate a record of persistent under delivery of housing in my judgement.
21. Given the above, I am only able to give these additional matters limited weight in the balance of this appeal.

Conclusion

22. For the above reasons and having regard to all other matters raised I conclude that, on balance, the appeal should be dismissed.

Roger Catchpole

INSPECTOR