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## Appeal Decision

Site visit made on 29 April 2015

**by Philip Major BA (Hons) DipTP MRTPI**

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

**Decision date: 7 May 2015**

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**Appeal Ref: APP/T2350/W/14/3001147**

**Talbot Fold Barn, Talbot Bridge, Bashall Eaves, Clitheroe BB7 3NA.**

- 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 D Clegg against the decision of Ribble Valley Borough Council.
  - The application Ref: 3/2014/0793, dated 22 August 2014, was refused by notice dated 9 October 2014.
  - The application sought planning permission for the "conversion of the barn and attached cottage to form a dwelling with granny annex and detached garage. Re-submission." without complying with a condition attached to planning permission Ref: 3/2006/0427, dated 16 May 2006.
  - The condition in dispute is No 8 which states that: "*The proposed development shall only be occupied as an extended family unit in conjunction with the property to which it is attached or related to and it shall not be used as a separate unit.*"
  - The reason given for the condition is: "*In order to comply with Policies G1 and H9 of the Ribble Valley Districtwide Local Plan. The division of the dwelling into separately occupied units could be injurious to the amenities of the neighbouring occupiers and to the character of the area and would require further consideration by the Local Planning Authority*".
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in the appeal is whether the disputed condition is reasonable and necessary in order to control unsustainable development in the countryside.

### Reasons

3. The appeal property is a cottage attached to a larger barn conversion. It is also located adjacent to a holiday unit converted from a former garage. All 3 are in the same ownership. The condition in dispute covers the barn conversion and cottage and requires them not to be used independently of each other. The Council's concern is based upon an 'in principle' objection to a further independent dwelling being created in this location.
4. Bashall Eaves is a scattered hamlet a few miles from Clitheroe. There are few local services. I note that reference has been made to the nearest public

house, the village hall, the post office, and the bus service. Having seen these in the context of the surroundings, I do not agree that they are reasonably accessible other than by private car. I have no doubt that it is possible to walk to the various locations but the lanes along which the walking (or indeed cycling) would be carried out are narrow, and my experience at my site visit demonstrated that it is difficult for motor vehicles to pass any other road users, in vehicles, on foot, or on cycles. The lanes have no lighting and no footways. As a result their use in anything but good lighting conditions would be hazardous. Local cross country footpaths would of course have their own difficulties for use in connection with day to day living.

5. I have noted the comments that family members already walk the 3 miles or so to Clitheroe for shopping and leisure. But this seems to me to be exceptional and I would not expect this to be the norm amongst the population generally. I am also aware of the presence of Bashall Barn, with its various facilities. But this too seems to me to be a convenience which is more than likely to be visited by private car, especially as it provides car parking. Taken overall I am firmly of the belief that occupation of the appeal property as a separate dwelling would encourage the use of private motor vehicles over and above any trips made by an extended or large family using the whole property (the barn and cottage together) as one. Whilst this may not be the case if the Appellant and members of his family occupied the 2 buildings I cannot base a long term land use decision on the intentions of current occupants.
6. Taking these matters as a whole I am satisfied that the Council has demonstrated that the appeal site is not in a location which follows the principles of sustainability. The recently adopted Core Strategy has a clear emphasis on new residential development being located in principal towns and tier 1 settlements, with isolated development in the countryside being restricted to that which has particular justification. I agree with the Council that there is no demonstrated justification for a separate dwelling unit being located at the appeal site. The CS policies brought to my attention follow the advice of the National Planning Policy Framework (NPPF). As a result I find that removal of the disputed condition and granting of permission for an unrestricted residential use would be contrary to CS Policies DMG2, DMG3 and DMH3. All these policies include elements which seek to ensure that residential development follows sustainable principles.
7. My overall conclusion, therefore, is that the disputed condition is reasonable and necessary in order to control unsustainable development in the countryside.
8. For the reasons given above I conclude that the appeal should be dismissed.

*Philip Major*

INSPECTOR