

Appeal Decision

Site visit made on 12 January 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 25 February 2016

Appeal Ref: APP/T2350/W/15/3132279

Cowley Brook Farm, Higher Road, Longridge, Lancashire PR3 2YX

- 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 Mrs K. Butcher and Mrs C. Quick against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0016, dated 24 December 2014, was refused by notice dated 4 March 2015.
 - The development proposed is change of use of a barn to form 2 no. dwellings and layout of off-street parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the development on highway safety; and
 - Whether the proposed development would provide a suitable site for dwellings, having regard to the principles of sustainable development and the development plan.

Reasons

Highway safety

3. Higher Road is derestricted and subject to the national speed limit of 60 miles per hour where it adjoins the appeal site. The carriageway is approximately 4.5 metres wide, unlit, slopes steeply past the appeal site and there are bends in the road to the east and west of the appeal site which curtail forward visibility.
 4. The submitted drawings indicate that four car parking spaces are to be provided within the site, which is in line with the Council's parking standards. It is contended by the Council that, in practice, two of these spaces would be difficult to use, leading to parking occurring on the highway. I note that the Highways Authority objected to the proposal on road safety grounds, due to difficulties manoeuvring into some of the spaces leading to parking on the highway. On my site visit I saw that, whilst there is an area off the highway to the front of the building that can be used for parking, in practical terms, the
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width can only accommodate one car parked parallel to the highway and still allow vehicle doors to open and for drivers and passengers to alight without having to step onto the carriageway. Parking perpendicular to the carriageway would result in reversing manoeuvres either off or onto the main carriageway. Given the width of the main carriageway, the speed limit on the road and restricted forward visibility, such manoeuvres are potentially hazardous.

5. Despite the road being lightly trafficked if the carriageway were to be partially obstructed by parked vehicles, due to the speed of traffic and the nature of the road, I consider that this would result in conditions that would have a severe adverse impact on road safety. I attach great weight to this fact and it weighs heavily against the proposal.
6. The appellant has suggested that parking provision is a matter of detail that can be addressed by condition. Whilst this is true in some instances, there has to be a reasonable prospect of a condition being capable of being complied with in order for it to mitigate any adverse effects of the development. The appeal site boundary is tightly drawn and the land to the front of the buildings is the only part of the site with access from the highway that is available for car parking. From my site visit, I am not convinced that the available area at the front of the site adjacent to the road can practically and safely accommodate four car parking spaces regardless of how they were configured.
7. In addition, the NPPG advises that a condition that modifies the development in such a way as to make it substantially different from that set out in the application should not be used. Given the restricted area of land available within the appeal site boundary, a condition requiring alternative and adequate car parking would need to relate to land outside the current appeal site which would effectively enlarge the development area and substantially alter the nature of the development. Moreover, there has been no opportunity for the Council or the Highways Authority to consider or comment on the acceptability of a different access position and layout of the development.
8. No alternative to the parking arrangements shown on the submitted drawings has been put before me to indicate that the required level of parking can be accommodated at the site without compromising highway safety, and neither the appellant nor the Council have put forward a suggested wording for a condition to address this matter. I therefore conclude that the proposed development would cause harm to the safe and convenient operation of the highway in the vicinity of the appeal site and is contrary to Policy DMG1 of the Ribble Valley Core Strategy 2014 (CS) which seeks to ensure that developments have suitable parking and access arrangements.

Suitability of the site for housing

9. The appeal site is located in the countryside and within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). CS Key Statement DS1 and Policy DMG2 set out a development strategy for the area which seeks to concentrate the majority of new housing within the principal settlements of Longridge, Clitheroe and Whalley. Policy DMG2 sets out six criteria, at least one of which has to be met, for new development outside of settlements. Policy DMG2 goes on to say that in the open countryside and within the AONB, where possible, new development should be accommodated through the re-use of existing buildings. CS Policies DMH3 and DMH4 set out various criteria for conversion of existing buildings to dwellings.

10. There is no evidence before me to show that the proposed development satisfies any of the six criteria set out in Policy DMG2, however, Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. Policies DMG2, DMH3 and DMH4 clearly allow for the conversion of existing buildings in the countryside provided that they are suitable located; not isolated; structurally sound; capable of being converted without the need for extensions; and the character of the building and the materials are appropriate to its surroundings.
11. The National Planning Policy Framework (the Framework) is also a material consideration in determining this appeal. To promote sustainable development in rural areas, Paragraph 55 of the Framework sets out certain special circumstances where new isolated homes in the countryside can be acceptable, namely where the development would represent the optimal viable use of a heritage asset or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. I note from the Officer's report that the building is considered to be a non-designated heritage asset. Paragraph 131 of the Framework requires that decision makers should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
12. The conversion of the barns to residential use would be a viable use of the heritage asset, and there are no policy requirements that alternative uses other than residential should be considered in preference to this. The appellant has provided a structural report that concludes that the building is capable of being converted without significant rebuilding and which has not been challenged by the Council. The proposal would also result in the reuse an existing building and prevent deterioration of the building fabric. The Framework requires that great weight should be given to conserving landscape and scenic beauty within an AONB. Re-use of the building would conserve the landscape and scenic beauty of the area through preventing deterioration of the structure and building fabric. I therefore consider that the proposal would be consistent with the objectives of the Framework with regard to delivering sustainable development and conserving the landscape and scenic beauty of the AONB.
13. The Council's particular concern is that the development would lead to the creation of new isolated dwellings in the AONB as opposed to the development causing harm to the landscape of scenic beauty of the area. The Core Strategy does not define suitably located or isolated. The appeal site is located approximately 3 kilometres from Longridge which is recognised by the CS as a principal settlement and contains a range of shops and services. Whilst there are no public transport routes close to the appeal site, the distance involved means that it could be accessed by cycle, although I recognise that the nature of the roads and the fact that they are unlit may deter cyclists, particularly during the winter months. The Council suggest that that building does not form part of an established group. However, there is an existing dwelling attached to the building that is the subject of this appeal in addition to a number of timber sheds associated with the barn and a further dwelling approximately 60 metres to the west. There is a further group of farm buildings approximately 300 metres to the west and a public house approximately 300m to the east.

14. Within this context, although the appeal site is located outside of any existing settlement, in my opinion it is not so isolated that it is an unsuitable location for dwellings. Whilst the proposal does not meet any of the six criteria in CS Policy DMG2 for new development outside of settlements, taking the Core Strategy Policies as a whole, together with the preservation of a non-designated heritage asset and the prevention of deterioration of a building within the AONB, these material considerations outweigh the non-compliance of the proposal with part of Policy DMG2.
15. I therefore find that the proposal would not cause harm to the development strategy set out in the Core Strategy and that the proposal complies with the requirements of CS Key Statement DS1 and CS policies DMG2 and DMH3 which seek to ensure that new residential development is suitably located and where possible is accommodated through the re-use of existing buildings where it is outside of established settlements.

Other Matters

16. I have considered the Council's argument that the granting of planning permission would set a harmful precedent for the acceptance of other similar proposals. Each application and appeal must be determined on its individual merits and a generalised concern of this nature does not, of itself, justify withholding planning permission. Although I have found that the principle of the development would, in this case, be acceptable, I have dismissed the appeal for other reasons.

Conclusion

17. Notwithstanding that I have found in favour of the development in terms of the suitability of the site and location for residential use, the significant harm to road safety that would result from the development is sufficient reason to refuse planning permission. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR