

---

# Appeal Decision

Site visit made on 22 June 2016

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

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

**Decision date: 22 July 2016**

---

**Appeal Ref: APP/T2350/W/16/3144598**

**Land Adjacent to the Village Hall, Main Street, Newton in Bowland,  
Clitheroe BB7 3DZ**

- 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 Mr Phillip Rhodes against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2016/0050, dated 6 January 2016, was refused by notice dated 11 February 2016.
  - The development proposed is the erection of one dwelling.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The appeal scheme is in outline form with all matters reserved for subsequent approval and is a resubmission of a similar proposal refused by the Council (Ref 3/2015/0208).

## Main Issues

3. It is considered that the main issues are (a) whether the proposed development would preserve or enhance the character or appearance of the Newton Conservation Area; (b) the effect of the proposed development on the character and appearance of the Bowland Area of Outstanding Natural Beauty and (c) whether the proposed development would be in a sustainable location.

## Reasons

### *Newton Conservation Area*

4. The appeal site forms part of a residential garden within Newton in Bowland. Residential gardens are not included within the definition of previously developed land included in the National Planning Policy Framework (the Framework). However, the development of gardens for housing purposes is not precluded by the Framework subject to other policy considerations.
  5. In this case, the site is situated within the Newton Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This
-

statutory duty is echoed in Policies DME4 and DMG1 of the Core Strategy 2008-2028: A Local Plan for Ribble Valley (CS). It is the appellant's claim that the proposed development would at least preserve the character and appearance of the Conservation Area and reference has been made to case law to support this claim, including *Bath Society v Secretary of State for the Environment and Another*.

6. The built development within the Conservation Area primarily comprises 2-storey residential dwellings of modest scale and simple form which possess stone walls and share similar fenestration. The predominant roofing material is slate and there are examples of stone walls fronting the roads. The homogeneity of locally sourced stone is referred to in the *Newton Conservation Area Management Guidance*. The properties are generally sited close to the carriageway of the roads rather than being set back into their plots to the rear of frontage trees.
7. Included within the Conservation Area is, and as identified in the *Management Guidance*, an extensive area of pasture and hay meadow which provides a setting for the area. Although this open space abuts the site, the topography of the adjacent land and the existing vegetation limit views of the site from the adjacent open and verdant countryside. The *Townscape Appraisals Map* for the Conservation Area identifies that the site includes an Important Tree Group and is within an Important View along Main Street. Opposite the site the *Appraisal Map* identifies a short terrace of 2-storey dwellings as being Buildings of Townscape Merit. This terrace forms part of the Important View and are a positive feature of the Conservation Area.
8. My impression of this view to the east of the Village Hall is that there is a sense of enclosure along the streetscene associated with both the site's boundary wall and trees fronting the road and the siting, simple form and modest scale of the terrace of residential properties. This sense of enclosure does not create the impression of the site being an important open space within the Conservation Area, particularly when compared to other spaces observed during the site visit.
9. The appeal scheme is in outline from with all matters reserved for subsequent approval. Access to the site is indicated to be shared with the host property and a drawing exists which identifies a potential siting of the proposed dwelling. Little other information about the design and layout of the proposed development is provided, including in the Design and Access Statement.
10. Some of the indicative material does provide me with sufficient comfort that, in principle, the boundary trees could be retained, particularly those fronting the road which make a positive contribution to the streetscene. This judgment reflects the assessment of the Council's Tree Officer. However, to retain the boundary trees would require the proposed dwelling to potentially be set well back from the carriageway rather than reflect the siting of other near-by properties. How the proposed dwelling could respect the existing urban grain of the village and the streetscene has not been explained.
11. The appellant claims that because it is a reserved matter it cannot be presumed that a careful and effective design for the proposed dwelling would fail to preserve or enhance the character or appearance of the Conservation

Area. However, by reason of the appeal scheme being in outline form, I share the view of a third party that there is insufficient information available and I am unable to make a full assessment to discharge the statutory duty, specifically whether the appeal scheme would at least preserve the character and appearance of the Conservation Area. Important matters of detail which have not been provided include the scale, height, massing, appearance, detailing and form of the proposed dwelling. All these matters affect how the appeal scheme would respect and the character and appearance of the Conservation Area. Some of these matters are specifically identified in the *Management Guidance*.

12. Although there is a lack of information, the erection of the proposed dwelling would lead to less than substantial harm to the significance of the Conservation Area. However, this matter is not outweighed by the public benefits of the appeal scheme, including the appellant's claim about the erection of a dwelling on an under-utilised site within the confines of a built-up area. Accordingly, and in the absence of adequate information, it is concluded that the proposed development would fail to preserve the character and appearance of the Newton Conservation Area and, as such, it would conflict with CS Policies DME4 and DMG1.

*Bowland Area of Outstanding Natural Beauty*

13. The site, the village and the surrounding area are within the Bowland Area of Outstanding Natural Beauty (AONB). The Framework identifies that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty. This status of protection is echoed in CS Key Statement EN2.
14. However, by reason of being contained on 3 sides by built forms of development and the site's limited contribution to the open and verdant character of the surrounding countryside, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the Bowland Area of Outstanding Natural Beauty. It is further concluded that the appeal scheme would not conflict with the requirements of the Framework and CS Key Statement EN2 concerning the conservation of the landscape and scenic beauty of the AONB.

*Sustainable Location*

15. Newton in Bowland is identified in CS Key Statement DS1 as a Tier 2 Village where development will need to meet proven local needs or deliver regeneration benefits. CS Policy DMG2 expands upon the types of local need that might be acceptable. The appellant claims that the appeal scheme would be situated in a sustainable location; capable of capitalising upon existing infrastructure capacity; a positive reuse of land within a built-up area; an addition to the housing stock and a rounding-off or infilling of the settlement pattern. However, none of the appellant's claims demonstrate either a proven need for the proposed dwelling or that the appeal scheme delivers regeneration benefits of the type identified in the Core Strategy. I also note that the Council's claim of a housing supply in excess of 5-years has not been challenged in any detail by the appellant.

16. During the site visit it was noted that the facilities available within the settlement are limited and that a notice had been erected advising the bus services had been withdrawn. The sustainability credentials of the village as a location for residential development are not strong and this adds to my concerns about a need for housing in this location. On this matter it is concluded that the proposed development would not be in a sustainable location and, as such, it would conflict with CS Key Statement DS1 and Policy DMG2.

*Other Matters*

17. Some local residents have raised concerns about the impact of the proposed development on the safety of other highway users and the appeal site being located adjacent to a watercourse. However, the Council has not objected to the proposed development for these reasons. Based upon the site visit, there are no reasons for me to adopt a contrary assessment to the Council and, in any event, these matters do not alter the main issues which have been identified as the basis for the determination of this appeal.

**Conclusion**

18. Although the proposed development would not cause unacceptable harm to the character and appearance of the Bowland Area of Outstanding Natural Beauty, this matter is significantly and demonstrably outweighed by the appeal scheme's failure to preserve the character and appearance of the Newton Conservation Area and the proposed dwelling not being in a sustainable location. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should fail.

*D J Barnes*

INSPECTOR