

APPEAL STATEMENT

For

Outline Planning Application

Outline application for a single new dwelling with all matters reserved except access
at
Land adjacent to the Village Hall, Main Street, Newton in Bowland, BB7 3DZ

Our Reference	3095
Local Authority	Ribble Valley Borough Council
Planning Application Ref	3/2016/0050
Application Proposal	Outline application for a single new dwelling with all matters reserved except access.
Site Address	Land adjacent to the Village Hall, Main Street, Newton in Bowland, BB7 3DZ
Appellant	Ms Philip Rhodes
Date Application Received	08/01/2016
Date Application Validated	08/01/2016
Date Application Registered	19/01/2016
Council Decision Date	11/02/2016
Reason for refusal:	See attached decision notice for full details of reasons; <ol style="list-style-type: none"> 1. Contrary to Key Statement DS1 and Policy DMG2 of the RV Core Strategy. 2. Would create a harmful precedent. 3. Would be harmful in character, appearance and significance of Newton Conservation Area. 4. The site is an important and prominent green space.
Application drawings & supporting documents:	16 0050 Application form 16 0050 Existing Plan 16 0050 Proposed Plan 16 0050 Statements

Proceedings to Date

1. The above detailed planning application was submitted to the Ribble Valley Borough Council for planning approval on 8th January 2016. Regrettably, the application was refused by Planning Officer; Colin Sharpe on 11th February 2016.
2. Following due consideration, our client (thereafter called ‘the appellant’) has instructed us to appeal the Council’s decision to the application and the following statement prepared by AJH Associates (thereafter called ‘the agent’), outlines the reasons why the appellant considers this proposal conforms to both the Districtwide Local Plan and the Extensions and the afore

mentioned Statements and Policies of the Ribble Valley Core Strategy and therefore should be supported.

3. Initially, it should be noted that the appellant does not dispute that the appeal site is within the Newton in Bowland Conservation Area.
4. The application is for Outline Permission and so no design details have been discussed or offered at this stage.
5. AJH Associates assessed the Client's requirements which were to allow for a new dwelling to the site utilising the access of The Cottage which is all in the Private ownership of the appellant. The proposed dwelling, although not designed at this stage, sits within the residential, built up settlement of Newton.
6. The land on which the site sits has been labelled as housing "Important Tree Groups". During the original application the Arboriculturalist of Ribble Valley was consulted, David Hewitt. Mr Hewitt made no objections or comments at this stage as he was satisfied that the proposals would not harm or cause any effect on the existing trees and vegetation on the site.
7. Looking to the site from the North and West; the latter being an "Important View" it can be seen that the trees and vegetation surrounding the site largely screen the site, with no proposals to remove the trees this would not alter.
8. Looking to the site from the East; the site can be seen over the high stone wall. Access is allowed from this elevation where the appellant currently has ownership and an access point to The Cottage.
9. From the South; the site is surrounded by fields and there are no dwellings, protected views or properties that shall be disturbed. Between the Village Hall and the site there is dense vegetation and there are no proposals to remove this.
10. With the above in mind AJH put together the proposed plans as submitted. As the application is outline there are no designs in place, however it is with every intention that the dwelling is in keeping with other Dwellings in the Village and will not be intrusive or harmful to the Village and Conservation Area.
11. The planning application was received on 20th February 2015, registered on 16th March 2015 and validated on 12th March 2015; acknowledgement was received by AJH Associates dated 21st April 2015 from the Local Council advising that the statutory timeframe for determining the application would expire on 8th June 2015.
12. On 13th November 2015 AJH Associates and the appellant were provided a copy of the refusal notice (attached).
13. It can be noted that there were comments received from Highways and the County Archaeologist, both attached.

Reasons for Refusal

Refusal Reason 1: *The proposal is contrary to Key Statement DS1 and Policy DMG2 of the Ribble Valley Core Strategy (Adopted Version) because approval of the application would lead to the creation of a new dwelling in a Tier 2 Settlement without significant justification which would cause harm to the development strategy for the Borough as set out in the Adopted Core Strategy leading to unsustainable development.*

Refusal Reason 2: *Permission for the proposed development would create a harmful precedent for the acceptance of other similar proposals without sufficient justification which would have an adverse impact on the implementation of the Policies of the Ribble Valley Core Strategy (Adopted Version) contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.*

Refusal Reason 3: *The proposed development would be harmful to the character, appearance and significance of Newton Conservation Area because of the loss of a prominent green space which is important to the rural character of the village and the harmonic setting (including views) of its historic buildings.*

This is contrary to Policies DME4 and DMG1 of the Ribble Valley Core Strategy (RVCS) and the NPPF 17 (conserve heritage assets in a manner appropriate to their significance), Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) and Paragraph 132 (great weight to conservation).

Refusal Reason 4: *The application site is an important and prominent green space within the Conservation Area of Newton that facilitates important views, both into the village from the surrounding countryside and from the village into the surrounding countryside. The site itself, and the views that it facilitates, contribute positively to the appearance and character of the Forest Of Bowland AONB. The proposed development would therefore be detrimental to the appearance and character of the AONB contrary to Key Statement EN2 and Policy DMG1 of the RVCS (Adopted Version).*

Appeal Comments

It is evident that the site lies within the recognised residential area of Newton in Bowland as identified within the Adopted Core Strategy and the Development Plan. With reference to the reasons for refusal on the notice of decisions the objections relate to Key Statements DS1 and EN1, and policies DMG1, DMG2 and DMG4. Government advice contained in the National Planning Policy Framework (NPPF) is also of relevance; proposals for houses on land that is not specifically identified for that purpose in the Development Plan should also be considered against the policies. Residential development on sites not identified for that purpose in the Development Plan and Core Strategy, but which lie within the smaller settlements as defined on the proposals map, or are otherwise in a demonstrably sustainable location, will be permitted provided the proposed development is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with other relevant policies of the Core Strategy, and thus this proposal should conform in principle.

The reasons set out above and attached for refusal relate to both the Conservation Area and the AONB. The primary purpose of an AONB designation is to conserve and enhance natural beauty.

This purpose was reaffirmed in a 1991 policy statement on AONB's (Policy Statement 1991, CCP356). The statement also identifies subsidiary purposes which should be taken into account when pursuing the primary purpose. The subsidiary purposes are:

- **Socio-economic purpose:** "account should be taken of the needs of agriculture, forestry, other natural industries, and the economic/social needs of local communities".
- Purpose to have regard to the principles of **sustainable development:** "Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment".
- **Purpose to have regard to the needs of recreation:** "the demand for recreation should be met insofar as this is consistent with the conservation of natural beauty".

It is acknowledged that ministerial guidance allows for greater design control in Conservation Areas. At section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the entire basis of additional planning controls to control development proposals in conservation areas is expressed as "*...with respect to any buildings or other land within a conservation area ... special attention shall be made to the desirability of preserving or enhancing the character or appearance of that area.*" This statement is far too general and imprecise, has given rise to considerable litigation, and appears to have been used to make subjective judgements in this case.

In the Court of Appeal case, *Bath Society v S.O.S. and Another (06/02/1991)*, it was stated that if it was proven that "preservation" or "enhancement" occurred, then the development should be allowed.

In this case as the application is merely outline planning then the case of the design not to be preserving or enhancing the area cannot be assumed. Preservation and enhancement in planning terms means, that no harm results and improvement is not required. Similarly, with the terms "character or appearance", any enhancement of the conservation area must result in a favourable design being taken. It shall be taken for granted that the design of the proposed dwelling shall be of high quality design and all such design decisions shall be made in due course to ensure that the land available is utilised to its full potential whilst not harming the street scene of Newton. The design shall be sympathetic to the surrounding and the rural character of the Village.

The NPPF requires all applications to be thoroughly reviewed in the light of sustainability objectives, particularly having regard to the availability of previously developed sites and the criteria set out in the Statement. There may equally be changes of circumstance since the site is clearly within the settlement limits and this is in accordance with policies concerning density, affordable housing and amenity space requirements or in relation to physical feasibility or through alternative proposals coming forward.

The NPPF identifies that delivering sustainable developments means:

- **Planning for Prosperity** (an economic role): use the planning system to build a responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provisions of infrastructure
- **Planning for People** (a social role): use the planning systems to promote strong, vibrant and healthy communities, by providing and increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the communities needs and supports its health and well-being; and

- **Planning for Places** (an environmental role): use the planning system to protect and enhance our built and historic environment, to use natural resources prudently and to mitigate and adapt the climate change, including moving to a low-carbon economy.

The Government is committed to ensuring that the planning system does all it can to support a sustainable economic growth. A positive planning system is essential because, without growth, a sustainable future cannot be achieved. Planning must operate to encourage growth and not act as an impediment. At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision making. Local planning authorities must plan positively for new development, and approve all individual development proposals wherever possible.

Due to the new Government's stance of having excluded garden land from "**previously developed land**" local authorities have adopted a negative stance that no development can therefore be built on residential curtilages or garden land. However, if closer scrutinised the advice relates to "**town cramming**" i.e. the overdevelopment of land. This relates to situations where developers have attempted to 'cram' flat, apartment and similar development onto garden land. This in many instances would result in inadequate amenity space for both the existing and proposed development. With regards to the proposed development in a settlement, this would not be applicable.

Despite the recession and the recent downturn of land and building demand, fundamental concerns about the supply of land to meet housing targets are still ongoing. In this case for the proposed dwelling, development to augment village life may be regarded as appropriate, and there are clear, definable benefits to such development. The proposal creates a new home without the need for increase infrastructure provisions; provides better utilisation of the land. This proposed development on an infill plot may add to the housing stock in ways that are sustainable.

The site is infill and can be seen to round off the existing development within a residential area. Development cannot be refused where there are no specific policy reasons for refusal where, with sustainable conditions, any objections can be overcome. To this end, that local council must avoid the inefficient use of land as in this refusal.

Given that AJH Associates has considered the planning policy guidance and the development is for Outline Planning Permission only; we see there is no real, justified reason for refusal.

I trust that the above is satisfactory and should you require any further information please do not hesitate to contact us.

Yours sincerely

Jessica Townson MRICS
AJH Associates
Enc.