

Planning Appeal Statement of Case



Trevor Hobday MRTPI

Town and Country Planning Act 1990,
Section 78 Appeal; Formation of
window openings in existing dwelling,
Fields Farm Barn, Back Lane, Chipping,
Preston. PR3 2QA

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This statement is made in support of a written appeal against the decision of Ribble Valley Borough Council to refuse planning consent for the formation of new window openings in existing dwelling at Fields Farm Barn, Back Lane, Chipping, Preston. PR3 2QA

1 Site Location

- 1.1 The application site is located approximately 300m from Back Lane, Chipping, with access being along a formal hard-surfaced drive. The application property was converted many years ago from a former agricultural building. The building has lost all semblance of its former use. The property stands as originally converted.
- 1.2 The appeal property is not a Listed Building; it is adjacent to a Listed Structures. In itself, the appeal premises and site is of no particular intrinsic or architectural merit; the building as a whole is not a prominent building within the local landscape and bears all the hallmarks of a residential property and extensive curtilage.
- 1.3 Within the curtilage is an array of outbuildings. These are used by the Appellant in pursuit of the lawful residential use of the property.

2 Planning History

- 2.1 Fields Farm Barn received planning consent for conversion to a private dwelling in 1996. Prior to this, the barn sat within the curtilage of the adjacent farmhouse which is a listed property. When Field Farm Barn was converted into a private dwelling, a separate and substantial residential curtilage was lawfully created. There is no connection, in law, with the listed curtilage. Fields Farm Barn is not a listed structure and never has been. It is a private dwelling.

3 The Development Plan

- 3.1 In preparing this appeal statement, full regard has been made to the relevant policies in the Development Plan including those in the Adopted Core Strategy. Current Government advice contained in the National Planning Policy Framework has also been considered. It is respectfully considered that the following Development Plan Policies are the most relevant against which to assess the merits of the proposal:

The Core Strategy

Development Management Policies

Policy DMG1 -General Considerations.

Policy DME2 - Landscape and Townscape Protection

Policy DMH5 – Residential and Curtilage Extensions

National Planning Policy Framework (NPPF)

4 The Appeal Proposal

4.1 Planning permission is sought for the formation of new window openings in the existing dwelling. In essence the proposed changes are as follows, the details of which are very clearly set out on drawing numbers 0502/93-05 and 0502/93-10:

- On the north west elevation it is proposed to insert a velux roof light over the lobby;
- On the south east elevation it is proposed to insert a window into an existing opening which will replicate identically the window opening on the single storey lean-to to the right of the main façade; further, on this elevation it is proposed to extend an existing window opening at ground floor level to incorporate a larger opening that replicates the one on the single storey lean-to to the left of the main façade;
- On the principal south east elevation it is proposed to insert a new window opening at first floor level to replicate the existing one to the left of the main opening;
- On the north east elevation it is proposed to remove an existing opening completely.

4.2 It will be seen from the submitted plans that the proposed elevational changes are entirely proportionate in the context of the existing elevations. The plans also demonstrate that the changes will allow the appellant to re-configure certain internal areas. These internal alterations do not require any consent from the Local Planning Authority under the provisions of the Town and Country Planning Act. Further, the appellant considers that the existing internal arrangements are somewhat unsatisfactory in that certain rooms are extremely dark; the current configuration includes some very low ceilings and the proposed changes will allow for a significant improvement in the internal conditions. The Appellant formerly requests that the Inspector, when undertaking the appeal visit, views these existing internal arrangements.

5 The Case and the Planning Balance

5.1 It is respectfully submitted that there are 2 issues for consideration in this appeal:

- The effect of the proposed alterations upon the essential character of quality of the host property;
- The effect of the proposed alterations upon the character of the area and the integrity of the adjoining dwelling and the living conditions of the occupiers thereof.

5.2 In assessing this proposal, the development Plan is a material consideration. The relevant policies have been considered and referred to in putting together this appeal statement.

5.3 In appraising the overall context of the proposal, it is submitted that the development is fully supported by the advice contained in the National Planning Policy Framework which clearly states that there is a presumption in favour of approval for sustainable development.

Further, the NPPF is very clear in its intent in that development proposals that incorporate good design must be approved. It is respectfully submitted that the appeal proposal which is, in essence, for very minor alterations to a property that holds no intrinsic architectural merit locally or in the wider rural landscape, complies fully with the NPPF.

The effect of the proposed alterations upon the essential character of quality of the host property

Development Management Policy DMG1

- 5.4 The Local Planning Authority (LPA), in its decision notice refers to the fact that the proposal will have a significant and adverse effect upon “the character and appearance of the existing dwelling”. In support of this issue they cite Policy DMG1. This policy sets out the General Considerations against which, presumably, all planning applications are considered and assessed. The policy is further broken down into 6 elements as follows: **Design** (points 1-5), **Access** (points 1-3), **Amenity** (points 1-4), **Environment** (points 1-5) **Infrastructure** (points 1-3) **Others**.
- 5.5 In terms of assessing the proposal against this policy it is considered that the proposal meets the requirements of the **Design** element particularly at points 1-3; the alterations to the elevations as shown on the submitted plans are proportionate and well designed. They replicate what is already there and balance the elevations where openings are being altered and enlarged. The alterations are sympathetic to the main structure and entirely subservient. The alterations have no adverse impact upon the integrity of the host property. In terms of **Access** the proposal has no effect whatsoever upon this element of the policy. In terms of **Amenity** the proposal has no adverse impact upon the surrounding landscape. There are no wider public views and there are no public rights of way through the site. It is wholly residential curtilage. There are no physical extensions to the property and the existing distance to the adjacent property is not altered. Indeed, the occupiers will not see the alterations to any elevation from their curtilage. In terms of **Environment**, it is only point 3 that is of relevance. In this regard, it has already been mentioned elsewhere in this statement (para 2.1) that prior to the 1996 consent for conversion, the appeal site was within the curtilage of a listed building (Grade 2). This is no longer the case; when conversion took place a new lawful and wholly separate residential curtilage was created. There was no attempt by the LPA to put in place any safeguarding conditions relative to the adjoining listed dwelling. The appeal proposal will have absolutely no adverse impact whatsoever upon the integrity of the adjacent listed building. In terms of **Infrastructure** the appeal proposal will have no adverse effect upon any of the points raised therein.

It is respectfully considered that, in an assessment of the proposal against the Development Management Policy DMG1, the appeal proposal is entirely in accordance therewith.

Development Management Policy DME2

- 5.6 The decision notice refers to this policy in terms of Landscape and Townscape Protection. It states that planning permission will be refused for development that causes harm and lists 9 criteria against which to assess proposals. Having reviewed all 9, it is submitted that the

appeal proposal does not cause harm to any of these criteria. Indeed, it is respectfully considered that this policy is neither material nor relevant to the appeal proposal.

Development Management Policy DMH5

- 5.7 It is noted that this policy relates specifically to ***residential and curtilage extensions***. It is respectfully considered that the only relevance of this policy insofar as it relates to the appeal proposal is that, as it states, ***“Proposals to extend or alter existing residential properties must accord with policy DMG1 and any relevant designations within which the site is located”***. It is respectfully submitted that paragraph 5.5 above fully sets out the responses to each of the elements within policy DMG1. It is considered, therefore that the proposal meets the requirement on policy DMH5.

The effect of the proposed alterations upon the character of the area and the integrity of the adjoining dwelling and the living conditions of the occupiers thereof.

- 5.8 Fields Farm Barn received planning consent for conversion to a private dwelling in 1996. Prior to this, the barn sat within the curtilage of the adjacent farmhouse which is a listed property. When Field Farm Barn was converted into a private dwelling, a separate curtilage was lawfully created. There is no connection, in law, with the adjacent listed curtilage. Fields Farm Barn is not a listed structure and never has been. It is a private dwelling and sits within a substantial residential curtilage.
- 5.9 Drawing numbers 0502/93-05 and 0502/93-10: set the full context of the proposal in elevational and plan form and are to be read in conjunction with this Statement. The proposal relates to the formation of new openings in 2 elevations, the removal on one opening in a side elevation and the insertions of a velux roof-light.
- 5.10 The host dwelling does not occupy an isolated position within the landscape setting. The property is set some 300m from the public highway. There are no immediate public views available. The proposed elevational alterations are proportionate, modest, subservient and entirely in keeping with the character and quality of the local landscape. In this regard, the proposal meets entirely the requirements of policy DMH5.
- 5.11 Further, the appeal property has stood as a private residential dwelling for over 20 years. It has its own identity together with a substantial residential curtilage. This curtilage is entirely divorced from and independent to the adjacent listed property. Substantial boundary walls have been created/retained and extensive landscaping introduced over the years. The status quo will remain completely unaltered in this regard. The proposed alterations to the elevations as indicated on the submitted plan will have no impact whatsoever upon the integrity of the adjacent listed building. The occupiers of the adjacent property will have no view of the alterations. They are not affected by the elevational changes at all. In order to assist the Inspector in this specific issue, attached to this statement of case is an annotated site plan together with a set of annotated photographs taken from various viewpoints within and immediately adjacent to the application site. The annotated site plan simply indicates the positions from which the photo's where taken. These pictures where taken on 1st June 2017.

5.12 In this regard, it is respectfully submitted that the appeal proposal meets the requirements of Development Management Policies DMG1, DME2, DMH5.

6 Planning Conditions

6.1 The appellant will accept a condition that requires the development to be carried out entirely in accordance with the details contained on the submitted drawings.

7 Personal Circumstances

7.1 The Appellant has made reference in this statement to the fact that the proposed alterations will allow him to reconfigure, to a degree, the internal layout of the property. This is considered necessary because there are areas within the dwelling that are extremely lacking in natural light making certain areas, at ground floor particularly, very dark. In this context the Inspector is respectfully requested, when undertaking an appeal site visit, to carry out an internal inspection of the ground floor of the appeal property.

8 Conclusions

8.1 Planning permission is sought for the external alteration to an existing dwelling by the formation of new window openings.

8.2 The scale and form of the development is proportionate and in keeping with the overall character of the host building and the immediate locality.

8.3 The appeal proposal will have no adverse effect upon the status of any listed building within the immediate vicinity; will have no adverse effect upon the character of the area and will have no adverse effect upon any designation at either regional or national level in terms of safeguarding significant cultural or heritage assets.

8.4 The proposal does not prejudice the overall development strategy set out in the Core Strategy or the provisions of the National Planning Policy Framework.

8.5 It is respectfully requested that the appeal is allowed and planning permission granted for the development set out in application 3/2017/0308 and dated 30 March 2017

Trevor Hobday MRTPI

June 2017