



Painley Newsholme BD23 3FE

Change of use of land to residential curtilage and extension to dwelling to provide basement accommodation

PLANNING, DESIGN AND ACCESS STATEMENT

January 2022



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REPORT CONTROL

Document	Planning, Design and Access Statement
Project	Painley Farm, Newsholme
Client	Tom and Suzanne Preston
Job Number	19-758
File storage	Z:\PWA Planning\Client files\19-639 to 19-900\19-758 Painley Farm, Newsholme\4. Application

Document Checking

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Revision Status

Issue	Date	Status	Checked for issue
1	24/05/2020	Draft V1	Yes
2	04/01/2022	V2	Yes
3			

CONTENTS

1 INTRODUCTION

2 SITE DESCRIPTION

3 PLANNING HISTORY

4 DESIGN AND ACCESS STATEMENT

5 TECHNICAL CONSIDERATIONS

6 PLANNING POLICY CONTEXT

7 PLANNING ASSESSMENT

8 CONCLUSION

/1 INTRODUCTION

- 1.1 PWA Planning, is retained by Tom and Suzanne Preston ('the Applicants') to submit a full planning application for the change of use of land to residential curtilage and an extension to and existing dwelling to provide basement accommodation, at Painley, Newsholme, BD23 3FE ('the application site'). The proposed basement will provide space for the storage of the Applicant's collection of classic cars and leisure space.
- 1.2 The planning application was submitted in July 2020 but remains invalid to date. Following the initial submission the proposed basement accommodation has been amended to both to lessen its encroachment into the designated countryside and visual appearance within the landscape. Submitted here is a revised set of plans based upon an up to date topographical survey and Landscape and Visual Impact Assessment.
- 1.3 This Planning, Design and Access Statement will provide an overview of the site context, planning background and material considerations to demonstrate why the application should be granted. It should be read in conjunction with the submitted application package, which includes the following documents:
- 1 App form, relevant certificates;
 - Landscape Visual Impact Assessment;
 - Planning Drawings:
 - Location Plan (Drawing no. 6.149.01.500A);
 - Existing Site Plan (Drawing no. 6.149.01.501A);
 - Proposed Site Plan (Drawing no. 6.149.01.502A);
 - Proposed Basement Layout (Drawing no. 6.149.01.503A);
 - Proposed Sections (Drawing no. 6.149.01.504A);
 - Curtilage Areas (Drawing no. 6.149.01.505A);
 - Proposed Lower Ground Floor Plan (Drawing no. 6.149.01.506A).

- 1.4 Should the Local Planning Authority ('the LPA') require anything further to ensure the positive determination of the application, then it is requested that PWA Planning ('the Agent') is contacted in the first instance.

/2 SITE DESCRIPTION

- 2.1 The current application relates to Painley, the site of a former farmstead, located off a driveway from Knot Lane. This in turn connects Newsholme to the north with Horton to the east. The land is part of an 5.44ha area that is owned by the Applicants and managed as part of the wider landholding. The land has had ties to their family for over 55 years but is now occupied by a single large dwelling and associated outbuildings.



Figure 1: Painley

- 2.2 The site has been subject to several planning applications since 2016. These include:
- 3/2016/0575 Conversion of 2no. barns to dwelling houses and conversion of outbuilding to form car port. Approved 5th August 2016;
 - 3/2017/0248 New dwelling to replace existing farmhouse and two barn conversions approved under planning permission 3/0216/0557. Approved 16th May 2017;
 - Various applications to discharge planning conditions relating to 3/2017/0248. All approved; and

- 3/2019/0710 Demolition of existing outbuilding and erection of a stable building.
Approved 5th December 2019.

- 2.3 Works associated with Refs: 3/2017/0248 and 3/2019/0710 have been completed and the dwelling is occupied. While not specifically referred to within the description of development, the former application allowed for the wholesale redevelopment of the site, with the demolition of the vast original farm buildings. As seen on the below aerial photograph, taken prior to more recent works on-site, this covered an extensive footprint.
- 2.4 Notwithstanding the wider area of land that was farmed, the curtilage for the farmstead has been measured at 0.73ha (as shown with a green edge on drawing no. 161.149.01.505A). The total footprint of former buildings is likewise estimated at 1,287m².



Figure 2: Aerial photograph of Painley Farm, prior to demolition of the farmstead buildings in 2017 (source LCC Mario)

- 2.5 In terms of site constraints, there are no ecological designations associated with the site, with no associated Tree Protection Orders. Following the implementation of various consents relating to the site, there are no trees with the potential to be affected by development.

- 2.6 Research has indicated that the site is part of a Mineral Safeguarding Area. However, this would not influence future decisions given the recent history of approvals. The site is also located within a Flood Zone 1, where the risk of flooding is at its lowest. There are no heritage assets within or adjacent to the site.
- 2.7 Public Rights of Way 3-22-FP 12 and 3-22-BW 11 both run through part of the site. These are unaffected by the proposed development.

/3 PRE-APPLICATION ADVICE

- 3.1 The Applicant sought the pre-application advice of the LPA in May 2019 (Ref: RV/2019/ENQ/00061), regarding a proposed extension to the residential curtilage with the erection of a store and provision of basement level accommodation.
- 3.2 The response from LPA detailed how advice was originally sought prior to the submission of 3/0216/0557 in late 2016. As part of this it was understood that the LPA was concerned regarding the size of any new curtilage created through the redevelopment of the farmstead. As such, the LPA requested that it should be reduced from what was originally shown in indicative site plans that were presented at that time. This was noted and amendments were subsequently undertaken to obtain the support of the LPA.
- 3.3 The LPA's most recent pre-app response in May 2019 referred to Core Strategy Policy DMH5, concluding that a proposed curtilage extension would not meet any of the listed criteria. As such, it was concluded by the Officer that the LPA would not support such an application. The Applicant however believed that the Officer had not fully appreciated the extent of the former farmstead and footprint or volume of the buildings that had been demolished, and that the consented dwelling had generated an overall reduction in terms of these.
- 3.4 The Agent approached the LPA more recently to discuss the pre-application response, to understand whether they would be willing to accept a proposed extension to the curtilage under a S73 application (to amend the red edge). The LPA was pointed towards professional opinions stated in well-recognised Planning publications regarding the potential to alter the red edge, but it was nevertheless acknowledged that this can only be accepted at the discretion of the decision-taker. The Officer responded promptly to explain that the LPA would not accept a S73 application as they perceived such an application would impact upon the rural character. A full planning application is therefore being submitted, to address the above.

/4 DESIGN AND ACCESS STATEMENT

- 4.1 Full planning consent is sought for the change of use of land to form part of the residential curtilage of Painley, with formation of basement accommodation to provide space for the storage of the Applicant's collection of classic cars and entertaining areas.
- 4.2 The design of the proposed basement looks to deliver this additional internal space while being completely hidden within the existing topography of the southern garden. The existing landscape of the garden which sweeps down towards stock beck will be unchanged making the proposed addition undetectable, with only open-air accesses visible from the immediate garden space only. The access will be treated with planted borders to offer edge protection and to blend with the existing garden and hillside.
- 4.3 A ramped entranceway is proposed to the east side of the existing barn to provide vehicular access to the basement from ground level off the existing driveway/parking area. The ramp will be screened by planting to its borders, with the barn and existing tree line also shielding the entrance from the wider context.
- 4.4 To allow for the provision of the basement and new ramped driveway, consent is sought for a larger residential curtilage than what was originally permitted under Ref: 3/2017/0248. Notwithstanding this matter, it has been calculated that the original curtilage of the farmstead (as shown on DWG 16.149.01.505A), prior to demolition, was approximately 0.73ha. The extended curtilage area, as proposed, is still significantly lesser than that of the farmstead, at approximately 0.4ha.
- 4.5 Likewise, former agricultural buildings at the site have been measured to have a total footprint of approximately 2249m². Whilst new the property is large, the total footprint of existing buildings, including the proposed basement area is measured at 1669m². This represents an overall reduction from the agricultural uses by 26%.
- 4.6 Unfortunately, it is no longer possible to compare built volumes. However, it is without doubt that above ground volumes associated with residential uses would be much lesser than that of the previous agricultural buildings.

- 4.7 It is the Applicant's intention to carefully landscape the proposed basement, notably the ramp and external access to reduce any visual impact. The development as proposed, offers significant environmental and visual benefits in comparison to the site's recent historic role.

/5 TECHNICAL CONSIDERATIONS

- 5.1 Planning consent Ref: 3/2017/0248 was submitted alongside a suite of technical surveys and reports that considered the potential impact of the development in terms of trees and protected species. All conditions that required the approval of further information were subsequently discharged, with the consent implemented.

Landscape Visual Impact Assessment (LVIA)

- 5.2 An LVIA has been undertaken to understand the relevant landscape considerations associated with the site. This includes an appraisal of the local landscape character and an assessment of anticipated changes in views and visual amenity as a result of the proposed development.
- 5.3 The appraisal confirms the proposed development would not change the character of the site and would not change the character or impact upon any important landscapes or landscape features. The proposals are therefore considered within the spirit of the relevant landscape and countryside related policies of the Development Plan, with the development maintaining the existing character of the hillock. As such, the proposals will not conflict with it's the site's Open Countryside designation.
- 5.4 In terms of curtilage, the appraisal confirms that minor changes to the residential curtilage would not impact upon the visual amenity and external pattern of land use. The basement would be hidden underground and built form at ground level, with no ground level development created over the basement extension. The characteristic landscape features of the site and open countryside in which is it located would be maintained in keeping with the intent of the existing approved development.
- 5.5 In terms of landscape change and effects, the character of the landscape as a residential dwelling set on a sloping hillock would be retained as part of the development. No landscape features or key characteristics would be lost because of the development and there would be no introduction of built for above ground. Any magnitude of change during construction would be temporary and could be addressed through appropriate

mitigation. The magnitude of change that the proposed development could present to the local landscape character has been assessed as negligible to none. The landscape effects have been assessed as negligible.

- 5.6 A visual appraisal has also been undertaken from three viewpoints in the site' locality. In summary, the LVIA found that the potential visual effect that the proposed development could have on these existing views and the three viewpoint receptors is none, negligible and slight. This is despite two of the receptors having been identified as sensitive, given that a person's attention would be particularly focused on the landscape whilst out walking or riding in the locality.
- 5.7 Overall, the LVIA considers that the proposed development would not lead to the loss of or impact on any characteristic landscape features, with no significant landscape and visual effects arising from the proposals. Once constructed, the basement extension would form a visually subtle extension to the existing approved residential development, with the landscape character around the site remaining unchanged.
- 5.8 Having visited the site following the completion of the dwelling, there are deemed to be no other technical constraints that would require the submission of further surveys or reports to justify the proposed development.

/6 PLANNING POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise, including any supplementary / supporting planning documents, government guidance as set out in the National Planning Policy Framework (the Framework) (2019) and other relevant documents. Policies set at a local and national levels are set out below.

Development Plan

- 6.2 The Development Plan for the application site comprises of the Ribble Valley Borough Council Core Strategy (CS) (2014) and the Housing and Economic Development DPD (HEDDPD) (2019). These documents contain the policies against which planning applications will be determined within the Borough.

Ribble Valley Council Core Strategy (CS) (2014)

- 6.3 The following Key Statements and Policies are relevant to the determination of the application:
- 6.4 **Key Statement DS2: Presumption in Favour of Sustainable Development**, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development, in line with the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social, and environmental conditions in the area.
- 6.5 The Key Statement goes on to set out that where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
 - Specific policies in that Framework indicate that development should be restricted.
- 6.6 **Key Statement EN2: Landscape**, states that as a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features, and building materials.
- 6.7 **Policy DMG1: General Considerations**, specifies that all applications must provide high-quality design, adequate access, with the surrounding environment and amenity not adversely affected. One of the key design criteria explains that particular emphasis will be place on visual appearance and the relationship to surroundings, including landscaping character.
- 6.8 **Policy DME2: Landscape and Townscape Protection**, details that development proposals will be refused which significantly harm important landscape or landscape features.
- 6.9 **Policy DMH3: Dwellings in the Open Countryside and AONB**, sets out that in such locations, the rebuilding or replacement of existing dwellings will be supported subject to the following criteria:
- The residential use of the property should not have been abandoned.
 - There being no adverse impact on the landscape in relation to the new dwelling.
 - The need to extend an existing curtilage.
- 6.10 The supporting text which accompanies the Policy states that *"the protection of the open countryside and designated landscape areas from sporadic or visually harmful development is seen as a high priority by the Council and is necessary to deliver both sustainable patterns of development and the overarching core strategy vision"*.

- 6.11 **Policy DMH5: Residential and Curtilage Extensions**, explains that proposals to extend or alter existing residential properties must accord with policy and any relevant designations within which the site is located. The policy details that the Council will support curtilage extensions in some circumstances where the site is either within or on the edge of the settlement. It goes on to detail that proposals to extend a curtilage in other circumstances will not be approved other than where it will support the health of the local economy or for highway safety reasons.
- 6.12 It is noted that the supporting text to the policy states that *"the extension of curtilages can have a significant impact upon visual amenity and patterns of land use. The Council's approach serves to ensure the impact of any proposals can be clearly assessed"*.

Housing and Economic Development DPD (HEDDPD) (2019)

- 6.13 The HEDDPD was adopted in late 2019 and includes a Proposals Map, showing various land designations and allocations. The Proposals Map confirms that the application site is located within the 'Open Countryside'. There are however no specific policies within the document of relevance to the current application.

Other Material Considerations

National Planning Policy Framework (the Framework) (2021)

- 6.14 The Framework sets out Government planning policies for England and how these are expected to be applied. The golden thread running throughout the Framework is the Government's presumption in favour of sustainable development (Para 11) whereby proposed developments which correctly balance the requirements of economic, social, and environmental issues should be granted planning permission unless there are strong reasons that permission should not be granted. For decision taking this means:
- Approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent, or relevant policies are out of date, grant planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole; or
 - Specific policies in the framework indicate development should be restricted.
- 6.15 Para 174 confirms that planning policies and decisions should contribute to and enhance the natural local environment by, amongst other considerations, recognising intrinsic character and beauty of the countryside.

Previous Development and Extant Planning Consents

- 6.16 The fact that the planning application site benefits from an extant planning consent under LPA Ref: 3/2017/0248 represents an important material planning consideration. The Applicants moreover believe that any application relating to the site should be seen in context of former agricultural related buildings that were recently demolished. The curtilage of the farmstead has been calculated as covering 0.73ha, with the total footprint of former buildings estimated at 1,287m².

/7 PLANNING ASSESSMENT

7.1 As stated above, the existing dwelling and ancillary buildings established through recent consents represent an important material consideration, as does the visual impact of the former farm buildings prior to demolition. These should be borne heavily in mind when applying any relevant policies of the Development Plan.

7.2 Matters relating to the proposed extension of the residential curtilage, basement extension and driveway shall be addressed in turn, with a final overview of the planning balance also provided.

Curtilage Extension

7.3 As shown on submitted Location Plan, the total area of land owned by the Applicants covers an area of 5.44ha (shown with a blue edge). The curtilage of the demolished farmstead covered an area of 0.73ha (shown in the green edge). Moreover, the total footprint of former agricultural related buildings has been estimated at 1,287m².

7.4 The aerial photograph at Figure 2 indicates that this was a large and sprawling complex of buildings of basic construction, that were unsympathetic to the landscape setting. By virtue of its size, condition, appearance, and isolation from urban areas, the farmstead would have had a significant impact on the largely open rural landscape. Although farm related developments are not uncommon in rural areas, it is considered that the former Painley Farm would have had a negative impact in terms of promoting the beauty of the countryside, therefore undermining CS Key Statements EN2, DME2 and Para 174 of the NPPF.

7.5 A review of previous application correspondence relating to Ref: 3/2017/0248 indicates that the size of the residential curtilage was largely guided by the LPA. It appears that little assessment was made at this time in relation the size of the wider farmstead. The Applicant's priority at that stage was to secure a consent for their dream home and therefore did not wish to force a dispute with the Council.

- 7.6 Whilst consent is now sought for a larger residential curtilage through the current application, the red-edge boundary covers an area of 3,995m², which is a 46% smaller area than the previous farm curtilage. This is an important consideration when determining the application, as overall, the residential development and change of use has a less significant impact the wider rural setting.
- 7.7 It is appreciated that the LPA's formal pre-application response, dated May 2019, cited CS Policy DMH5 and argued that a curtilage extension as proposed, would not meet any of the Council's listed criteria. Whilst this is accepted, it is considered that based upon existing and former development at the site, there would be no significant impact upon visual amenity and patterns of land use – as evidenced within the submitted LVIA.
- 7.8 The curtilage extension is limited to the driveway to the east of the site which is well screened from the wider landscape by existing and proposed landscaping, and a small addition to the south. Because the lack of visual harm is ultimately within the spirit of the policy, the Development Plan as a whole and the NPPF, particularly when reviewed against past uses, it is considered appropriate to apply less material weight to ensuring compliance with the strict wording of DMH5 and a pragmatic approach is needed in this instance.
- 7.9 Indeed, the NPPF does not require countryside to be protected for its own sake, with "protection" being a term exclusively applied to valued landscapes for which there are different levels of protection. Ultimately, with regards to open countryside the NPPF requires a flexible and balanced approach. It requires the planning balance to 'recognise' the intrinsic character and beauty of the countryside, and, importantly it does not state that only certain types of development can be acceptable.
- 7.10 By contrast the only reading of CS Policy DMH5 and its supporting text precludes the extension or alteration of residential curtilages other than in certain limited and specific exceptions. The wording does not include extensions within the designated countryside beyond edge of settlements. This is out of step with the guidance within the NPPF, as DMH5 does not allow for a balance to be applied. Consequently, the LPA

is more than justified in taking a flexible approach, given that it has been evidenced that the proposals have a minimal impact upon the countryside and its character. The application does not undermine the very purpose of the policy, which is to ensure that the impact of any proposals can be clearly assessed.

- 7.11 Notwithstanding the above, it is deemed the dwelling is worthy of a residential curtilage that is of a commensurate with the scale of the built development. Upon any site visit, it also is very apparent that the residential curtilage, as proposed, fits well with the topography of the land. This is supported by the findings of the LVIA which confirms the minor changes to the residential curtilage would not impact upon the visual amenity and external pattern of land use. The boundaries, as drawn are therefore not harmful to the wider rural context and in fact compliments the setting of the dwelling.

Basement Extension

- 7.12 The proposed basement will be accessed internally via the lower ground floor of the existing dwelling and will provide entertaining space, but most importantly, a display / garaging area for the Applicant's collection of classic cars, which are to be located to the site.
- 7.13 The establishment of a proposed basement area, that is sensitively landscaped and hidden within the topography, is considered the least harmful option for providing storage. In landscape and visual terms, it is much preferable to the establishment of further above ground buildings or a separate external parking area with carports. This is supported by the findings of the LVIA, with the proposed development deemed not to lead to the loss or impact on any characteristic landscape features, with no significant landscape and visual effects arising from the proposals. The basement extension would form a subtle extension to the existing approved residential development and the landscape character around the site would remain unchanged.
- 7.14 The form of the basement responds to the surrounding sweeping hills and grassland, being completely hidden within the existing topography of the southern garden. The existing landscape of the garden which sweeps down towards Stock Beck will be

unchanged making the proposed addition undetectable, with only open-air accesses visible from the immediate garden space only. This open-air access, alongside the driveway to the east, will be landscaped through planted borders to offer edge protection and ensure the proposals blend with the existing garden and hillside.

- 7.15 The proposed development certainly promotes a form of good design that minimises any landscape impacts. It therefore adheres to CS Key Statement EN2 and Policies DMG1 and DME2.

Driveway

- 7.16 Access to the basement for the classic cars is proposed via a new ramp, which stems from the parking area to the east of the site.
- 7.17 This has been designed to follow the topography of the land, so that it minimises any visual impacts. The ramp lies between the existing barn and trees, with planting proposed to the borders of the ramp. The ramp would be excavated down into the existing ground so there would be no built form protruding above existing levels. This ensures the ramp is well screened within the landscape and has minimal impact on the wider countryside setting.
- 7.18 The Applicants are also willing to consider the suggestions of the LPA in terms of hardstanding materials and any necessary soft landscaping needed to promote the values of CS Key Statement EN2 and Policies DMG1 and DME2.

Planning Balance

- 7.19 CS Key Statement DS2 explains that the Council will take a positive approach towards development proposals that reflect the presumption in favour of sustainable development, as set out within the NPPF. This looks to support development that promote economic, social, and environmental gains.
- 7.20 Whilst the proposal ultimately generates some conflict with the strict wording of CS Policy DMH5, it is important to consider the sprawling extent of the former agricultural

developments that were present prior to their demolition, including their overall extent, scale, and the visual harms which they generated. This, we feel, should represent the baseline for all future assessments of new development proposals. A flexible approach should also be taken in line with the protection of the countryside set out in NPPF, with the proposals and associated curtilage extension clearly having a minimal impact upon the countryside and its character. This is confirmed within the submitted LVIA.

- 7.21 In this context, the current proposal has been carefully designed to minimise environmental impacts and the curtilage extension, basement, and driveway promotes the underlying aims of Key Statement DS2, EN2, Policies EN2, DMG1, DME2 and Paragraph 170 of the NPPF. The construction of the basement will help to underpin jobs in this industry, generating an economic benefit. In the long-term, the application achieves environmental benefits by improving the landscape and visual setting of the rural area when compared to the former farm related buildings.
- 7.22 In considering all relevant policies and material considerations, the balance is deemed to be weighed in favour of the proposals. For this reason, planning permission should be granted.

/8 CONCLUSIONS

- 8.1 PWA Planning is retained by Tom and Suzanne Preston to submit a full planning application for the change of use of land to residential curtilage and extension to dwelling to provide basement accommodation, at Painley, Newsholme. This is an existing dwelling that was recently completed following the grant of planning permission under Ref: 3/2017/0248. However, prior to this, the site was a significant agricultural unit with many larger buildings that were unsympathetic to the wider rural setting. This is a significant material consideration that must influence the application of relevant policies of the Development Plan.
- 8.2 The plans submitted with the application demonstrate that notwithstanding the proposed extension to provide the basement and driveway, the total curtilage and built footprint will remain smaller than that of the former farmstead. Moreover, curtilage extension and proposed basement have been designed so that they are sensitively landscaped into the topography, generating very minimal environmental harms, as evidenced within the LVIA. Consequently, proposals represent a subtle extension to the existing approved residential development and the landscape character around the site will remain unchanged.
- 8.3 The majority of the proposals will be completely hidden within the existing topography of the southern garden, with all external features landscaped appropriately. It is deemed to be the least harmful option for providing a storage area for the Applicant's collection of classic cars, which will be located at the site. A ramped driveway is proposed to the basement, which is appropriately positioned between the barn and tree line. The Applicants are also willing to consider the LPA's preferences in terms of an appropriate hardstanding material or soft landscaping to also ensure that wider visual harms are minimised. Together, these aspects of the proposal comply with CS Key Statement EN2 and Policies DMG1 and DME2, promoting a form of good design.

- 8.4 Notwithstanding the limited conflict with CS Policy DMH5, less material weight should be attributed to the application of the strict wording of this policy, as the harms resulting from development will be so limited. Furthermore, the policy does not currently allow for a planning balance, which is required by the NPPF. Nor does the NPPF support the protection of the open countryside for its own sake. CS Policy DMH5 is therefore out-of-step with the NPPF and the LPA is fully justified in taking a pragmatic approach in support of the development in this instance.
- 8.5 The construction of the basement will help to underpin jobs in this industry, generating an economic benefit. In the long-term, the application achieves environmental benefits by improving the landscape and visual setting of the rural area when compared to the former farm related buildings. For these reasons, the LPA should adopt a positive approach to the proposals that reflects the presumption in favour of sustainable development, as set out in the NPPF, as per CS Key Statement DS2. Planning permission should therefore be approved.



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