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APPEAL STATEMENT

IN RESPECT OF AN APPEAL AGAINST THE DECISION OF RIBBLE VALLEY BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR THE DEVELOPMENT OF A WELLBEING CENTRE (LPA REFERENCE 18/08/2021)

AT

**PENDLE VIEW, PRIMROSE LANE,
MELLOR, BB2 7EQ**

Prepared by: Kieran Howarth BA (Hons) MRTPI
Our Client: Mrs L Monk
Our Ref: Monk/924/3099/GH
Date: January 2022



Chartered Surveyors ■■■ Planning & Development ■■■ Land Agents
Valuers ■■■ Property Agency ■■■ Property Management



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- 1. Officer report**

1. INTRODUCTION AND BACKGROUND INFORMATION

- 1.1 Gary Hoerty Associates has been instructed by Mrs Louise Monk to submit an appeal against the decision of Ribble Valley Borough Council to refuse planning permission for the development of a wellbeing centre at Pendle View, Primrose Lane, Mellor, BB2 7EQ. The proposed development will provide a facility that will offer services to guests staying at the twelve detached holiday lodges that have been developed at the site following the approval of application number 3/2019/0894 on 14 January 2020. The proposed development will involve the conversion of part of the existing timber stable buildings to provide treatment rooms and a reception and the demolition of the older stable buildings and their replacement with a new timber building of a similar appearance to that being converted, which will be used for a café and wine bar.
- 1.2 Mrs Monk is aware of the growing demand for people being proactive about their health and the growth that arises from this in wellness tourism. Wellness tourism is expected to be the biggest trend in travel in future years, with guests looking to deal with such things as stress management, weight loss, etc. with treatments including holistic therapy, massage and reiki being available. The café and wine bar will provide healthy food and a meeting point for guests staying at the site. *“Wellness trips provide a brief antidote to the competition people face in their everyday lives and a chance to enjoy likeminded company”* says Andre Spicer, professor in organisational behaviour at City University London and co-author of The Wellness Syndrome.
- 1.3 We set out in this Appeal Statement the recent planning history of the property, a description of the appeal site, a description of the proposed development, details of the relevant planning policies against which the appeal will be assessed and provide the planning case which sets out clearly why the appeal should be allowed.

2. THE APPEAL SITE AND PROPOSED DEVELOPMENT

The appeal site

- 2.1 The appeal site comprises a range of timber stable buildings, the access off Primrose Lane and a small parking area. The stable buildings have been built at different times with the block closest to the dwelling being newer and in good condition and the other block being older and dilapidated. The application site adjoins the site of the approved lodge development and is situated in close proximity to the car park for the lodge development.
- 2.2 With respect to the Council's adopted Core Strategy, the site is within Open Countryside, but is not within either the Green Belt or the Forest of Bowland Area of Outstanding Natural Beauty (the AONB).

- 2.3 With regards to the immediate locality, there is another dwelling to the north west of Pendle View, close to the existing vehicular access of Pendle View onto Primrose Lane. This nearest neighbouring property is separated from the site of the proposed development by the dwelling, Pendle View. There are other dwellings on Primrose Lane to the west and south west of the site, but these are in excess of 100m away from the site of the proposed development.

The proposed development

- 2.4 The proposed development comprises the change of use of an existing stable building into a reception and treatment rooms, these are the newer better quality buildings located on the western side of the group of buildings and the demolition of the remaining stables and their replacement with a new timber building which will be of similar construction to the retained stable building.
- 2.5 The existing range of stable buildings have a floor area (including the covered overhang areas) of approximately 176m² of which 89.5m² will be retained and converted and 86.5m² will be demolished and replaced with a building measuring 113m². Therefore, the increase in floor space as a consequence of the proposal will be 26.5m², the new build part of the development will have a slightly higher ridge height of 3.2m compared to the retained building at 2.9m.
- 2.6 The proposed development will provide a reception area, three treatment rooms, a café and wine bar, a kitchen, a service area for the kitchen, W.C's and two storage areas. The proposed development will only be available to guests staying in the camping pods on site.
- 2.7 Access to the development will be via the same access track that will serve the approved holiday lodge development, and a new parking area for staff only will be provided to the north of the buildings.
- 2.8 It is proposed that the appellant will work with local practitioners to deliver the therapy treatments on site, it is not anticipated at this time that there would be sufficient demand to employ full time staff to deliver the treatments and therefore they would not need to be open to the general public in order to generate enough usage to pay full time staff.

3. PLANNING HISTORY

- 3.1 We set out below the recent planning history in respect of this part of the property
- 3.2 Planning application 3/1994/0449 was for a timber stable block. The application was approved on 16 August 1994, the stable block was erected and is still present on the site.
- 3.3 Planning application 3/1999/0083 was for a proposed conservatory extension to the dwelling. The application was approved on 30 March 1999.

- 3.4 Planning application 3/1999/0666 was for a 40m by 20m outdoor riding arena. The application was approved on 22 October 1999, the arena was formed and is still present at the site.
- 3.5 Planning application 3/2007/0112 was for a single storey rear extension. The application was approved on 27 March 2007.
- 3.6 Planning application 3/2017/0410 was for extensions and alterations to the existing dwelling. The application was approved on 15 June 2017 and works were commenced on this approved development before 15 June 2020. The permission therefore remains extant.
- 3.7 Planning application 3/2019/0894 was for the development of twelve holiday lodges, associated site office/reception and car parking area. The application was approved on 14 January 2020.
- 3.8 Planning application 3/2020/0517 was a discharge of conditions application in respect of permission 3/2019/0894. The conditions were discharged on 17 August 2020.
- 3.9 Planning application 3/2020/1061 was for the demolition of the stable buildings and their replacement with a detached two storey holiday cottage. The application was refused on 22 February 2021.
- 3.10 Planning application 3/2021/0788 was an application for the proposed partial demolition of an existing stable complex and the erection of a new building. Conversion of retained building to provide a wellbeing centre. This application is the subject of this appeal and it was refused on 15 October 2021 for the following reasons:
1. *The proposal is considered contrary to Policy DMG2 of the Ribble Valley Core Strategy as it fails to meet any of the considerations for development in the open countryside contained therein and would result in the provision of main town centre uses outside of a defined settlement contrary to the 'town centre first' approach embodied within Section 7 of the NPPF, 'Ensuring the vitality of town centres', without sufficient justification.*
 2. *The proposal would result in the creation of new town centre uses in a location that does not benefit from adequate walkable access from or to nearby settlements or public transport infrastructure. As such the proposal will result in a significant and predominant reliance on vehicular trips by the private motor-vehicle contrary to the aims and objectives of Key Statements DS1, DMI2 and Policy DMG3 of the Ribble Valley Core Strategy.*
 3. *The proposed development is considered contrary to Policy DMG1 of the Ribble Valley Core Strategy as it fails to achieve a high standard of design nor responds positively to or enhances the immediate context.*

4. PLANNING POLICY BACKGROUND

National Planning Policy

4.1 The NPPF is the main national planning policy guidance influencing planning decision making in England. It states that the main purpose of the planning system in the country is the achievement of sustainable development; and that, for decision taking this means that proposals that accord with an up-to-date development plan should be approved without delay.

4.2 Section 6 of NPPF relates to “Building a strong, competitive economy” and paragraphs 84 and 85 are particularly relevant to this application as they relate to “Supporting a prosperous rural economy”

4.3 Paragraph 84 states:

Planning policies and decisions should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

4.4 Paragraph 87 states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

4.5 Paragraph 89 states:

“This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.”

4.6 The NPPF defines main town centre uses as:

Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs,

casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Local Planning Policy

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EN2 – Landscape
Key Statement EC1: Business and Employment Development
Key Statement EC3: Visitor Economy

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DMR3 – Retail Outside of the Main Settlements
Policy DME 2: Landscape and Townscape Protection
Policy DME 3: Site and Species Protection and Conservation
Policy DMB 1: Supporting Business Growth and the Local Economy
Policy DMB 3: Recreation and Tourism Development

Other policy considerations

4.7 Other policy considerations include:

Planning Practice Guidance; National Design Guide; and Community Infrastructure Levy

5. GROUNDS OF APPEAL

Reason for refusal No 1

5.1. The first reason for refusal alleges that the proposed development is contrary to Policy DMG2 of the Ribble Valley Core Strategy as it fails to meet any of the considerations for development in the open countryside and would result in the provision of main town centre uses outside of a defined settlement contrary to the 'town centre first' approach embodied within Section 7 of the NPPF

5.2 Policy DMG2 requires development to be in accordance with the Core Strategy Development Strategy and support the spatial vision and identifies certain forms of development that are acceptable outside of the settlement areas, three of which are that the development (1) should be essential to the local economy or social well-being of the area; (2) should be for small scale tourism or recreational developments appropriate to a rural area; and (3) should be for a small scale use appropriate to a local area where a local need or benefit can be demonstrated.

5.3 Policy DMG2 also states:

'Within the Open Countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build.'

5.4 The analysis of the proposed development set out in the officer report (attached as Appendix 1) is based on a number of false assumptions, which has led to a significantly flawed analysis and an erroneous decision. These false assumptions are:

1. The proposed use is not of a 'rural' nature.
2. It is questionable whether the development is truly 'tourism development' as meant by the relevant Core Strategy policies.
3. The provision of on-site facilities would render guests less likely to visit local centres and therefore the potential benefits to the wider economy would be diminished.
4. the number of guests that can be accommodated within the holiday lodge development would not generate enough custom to make the business viable.
5. it would be difficult for the Council to enforce a planning condition that limits use of the facility to site guests only.
6. The uses proposed within the building include town centre uses; therefore the sequential test set out in the NPPF applies.

What is clear is that the Council did not determine the application we submitted, which was on the basis that the development would be available to use only by guests staying at the lodges and not by the general public, rather it chose to determine a different application in which the development would be open to the general public and guests staying in the lodges contrary to the proposal that was clearly set out in the Planning Statement that accompanied the application. Perhaps this is explained by the fact that the Council did not have any dialogue with us as about the principle of the development.

5.5 With regard to bullet points 1 and 2 above, we would comment: Neither the NPPF or the Core Strategy define what is meant by 'tourism development', 'recreational development', 'small scale' or 'appropriate to a rural area'. The proposed development is a small scale tourism development in that it is intrinsically linked and intended to support an approved rural tourism development. Even when added to the approved development of twelve holiday lodges, we still consider that the overall tourist development at the site to be small scale. There are many examples of larger scale developments than the one proposed which have been considered to be small scale by the Council.

5.6 With regard to bullet point 3 above, we would comment: There is no reason to decide that tourists visiting the site will no longer visit other parts of the area. The proposed wellbeing centre will provide a relatively limited number of facilities. The proposed development will not take custom away from any local businesses because the guests will be attending the site specifically because these services are available on site, they would otherwise not be in the area.

- 5.7 With regard to bullet point 4 above, we would comment: There is no justification for the Council to conclude that this would be the case. The proposed facility is simply intended to give the holiday lodges a point of distinction from its competitors and to make the overall tourist use more attractive and therefore viable. It is proposed that the applicant will work with local practitioners to deliver the therapy treatments on site, they do not anticipate at this time that there would be sufficient demand to employ full time staff to deliver the treatments and therefore they would not need to be open to the general public in order to generate enough usage to pay full time staff. The appeal should be determined on the basis that the services offered will only be offered to guests staying in accommodation on site.
- 5.8 In light of the fact that the applicant wants to market the site as a destination for wellness and for the availability of treatments it is reasonable to assume that the site might attract a reasonable number of visitors wanting to make use of the treatments available. With up to 24 guests and allowing an hour per treatment, with two rooms they can provide circa 16 treatments per day which equates to a single treatment for two thirds of the guests per day. We therefore do not consider the number of treatment rooms to be excessive.
- 5.9 With regard to bullet point 5 above, we would comment: This is not an uncommon type of condition. The Council will clearly have the ability to enforce it.
- 5.10 With regard to bullet point 6 above, we would comment that the definition of main town centre uses contained in the NPPF is as follows:
- Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).*
- 5.11 The proposed use is not listed within this definition and we therefore question whether or not it should be considered a main town centre use. However, in the event that it is a main town centre use paragraph 89 of the NPPF specifically excludes small scale rural development from the requirement for the sequential approach to the location of Main Town Centre Uses. As stated above, this development is small scale rural development. The proposal subject of this appeal is not in conflict with Section 7 of the NPPF
- 5.12 In respect of the requirement of Policy DMG2 that the development be in keeping with the character of the landscape etc, we would strongly argue that the proposal satisfies those requirements of the policy. The proposed development does as far as possible make use of existing buildings and the buildings that will replace those that are to be demolished will not be significantly bigger and will be constructed partly in the same location and with similar materials. The buildings will remain appropriate in scale, form and appearance to their rural location.

- 5.13 In conclusion on this reason for refusal, the approval of this proposal will support the expansion of a recently approved rural tourist accommodation business which is currently being developed on the site, it will give it a point of distinction from its competitors and will involve both the conversion of an existing building and the erection of a well designed new building. The proposal is sustainable rural tourism and will simply provide for additional facilities being available on site.

Reason for refusal No 2

- 5.14 This reason for refusal alleges that the proposal would result in the creation of new town centre uses in a location that does not benefit from adequate walkable access from or to nearby settlements or public transport infrastructure. As such the proposal will result in a significant and predominant reliance on vehicular trips by the private motor-vehicle
- 5.15 The Council's analysis is, again, seriously flawed. The proposed wellbeing centre is intrinsically linked to and ancillary to the holiday lodges. The proposed development will only be available to guests making use of the camping pods and will make use of the access that was approved for the pod development and its parking area. There will be some additional traffic associated with the individuals providing treatments at the facility and some delivery of goods, however we do not consider this modest increase in traffic to have any adverse highway implications. We note that LCC Highways do not object to the proposal. There is no conflict with Policies DMI2 and DMG3 of the Core Strategy.

Reason for refusal No 3

- 5.16 This reason for refusal alleges that the proposed development fails to achieve a high standard of design or respond positively to or enhance the immediate context, thereby being contrary to Policy DMG1.
- 5.17 Policy DMG1 is a general development management policy which states that, in determining planning applications, all development must satisfy a total of twenty criteria relating to matters of design, access, amenity, environment and infrastructure. Not all of the criteria will be applicable to the proposed development, however we comment on the relevant criteria below in respect of each of the five matters.

Design

- 5.18 The proposal makes use of some of the existing timber stable buildings and proposes the demolition of the older stable building and its replacement with a building of similar construction. Therefore, the design of the retained building has influenced the design of the new building and is sympathetic to it. The layout of the buildings is broadly similar to the existing layout with a slightly larger gap between the two buildings and there will be very little impact on the landscape from the proposed development as a consequence of the similarity to the existing development. In the application subject of this appeal, we proposed that the new build element of the development would be very similar to the stable building which would be demolished, we considered this to be an appropriate form of

development in a rural area and it provided a building of low eaves height and simple construction.

- 5.19 We were surprised that the officer considered the proposed new building to be *“inappropriate because it failed to achieve a high standard of design nor responds positively to or enhances the immediate setting”*, given that he acknowledged in his report that the *“existing stable building is an inconspicuous wooden structure that is located in a relatively enclosed part of the site”*. It was our intention that the proposed development continue to be an inconspicuous wooden structure in a relatively enclosed part of the site. The officer went on to say *“due to its low height it is not prominent from any local viewpoints and from points where views can be gained it is experienced as a simple, unremarkable building that is commonplace in the countryside”*. The existing and the proposed buildings would therefore look entirely in keeping in the countryside.

Access

- 5.20 The proposed development will be available to guests making use of the camping pods and will make use of the access that was approved for the pod development and its parking area. There will be some additional traffic associated with the individuals providing treatments at the facility and some delivery of goods, however we do not consider this modest increase in traffic to have any adverse highway implications. The County Highway engineer concluded that this was the case and did not object to the application subject to the imposition of appropriate conditions.

Amenity

- 5.21 We do not consider that the proposed development will adversely affect the amenities of the surrounding area. The officer report concluded that there would be no adverse impact from the development on the amenity of nearby properties

Environment

- 5.22 The application site is not in an area with any environmental designation and we do not anticipate there being any adverse environmental impact from the proposed development. The proposed development makes use of a previously developed site which is promoted by this policy. The officer was satisfied that the development would not have any adverse ecological impact.

Infrastructure

- 5.23 The proposed development will not result in any loss of important open space and will have no impact upon key infrastructure.
- 5.24 It is clear that the development complies with the relevant requirements of Policy DMG1.

Other matters

- 5.25 Neither the Council's reasons for refusal or the officer's delegated report make any mention of a number of rural and tourism policies that the proposed development clearly complies with.
- 5.26 Policy DMB1 indicates that the Council will support proposals that are intended to support business growth and the local economy provided such proposals are in conformity with other relevant policies of the local plan. The proposed development is in full conformity with all the relevant policies and policy DMB1 clearly supports the proposed development.
- 5.27 Policy DMB3 states that planning permission will be granted for development proposals that extend the range of tourism and visitor facilities in the Borough subject to a number of criteria being met. As far as the criteria are concerned, the proposed development does not conflict with other policies of the plan. The site immediately adjoins two existing dwellings and is part of a larger site that has planning permission for tourism development. The proposal does not undermine the character, quality, or visual amenities of the plan area by virtue of its scale, siting, materials or design. The proposal is particularly well related to the highway network and would not create any adverse traffic problems.
- 5.28 The proposed development will support the tourism development that is under construction at the property.
- 5.29 Key statement EC1 states "*developments that contribute to farm diversification, strengthening of the wider rural and village economies or that promote town centre vitality and viability will be supported in principle*". The proposed development will strengthen the rural economy.
- 5.30 Key Statement EC3 relates specifically to the visitor economy stating that:

"Proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged, including the creation of new accommodation and tourism facilities through the conversion of existing buildings or associated with existing attractions. Significant new attractions will be supported, in circumstances where they would deliver overall improvements to the environment and benefits to local communities and employment opportunities."
- 5.31 This proposal will strengthen the visitor economy by providing enhanced visitor facilities at an approved tourism development and providing employment opportunities for those providing services at the new facility.
- 5.32 Policy DME 2: Landscape and Townscape Protection identifies that development proposals will be refused which significantly harm important landscape features and sets out a list of relevant landscape features, however the proposed development does not affect any of them. The proposal does not therefore contravene any of the requirements of Policy DME 2.
- 5.33 Policy DME 3: Site and Species Protection and Conservation states that development proposals that are likely to adversely affect any of eight specified

species or habitats that are granted special protection will not be granted planning permission. The Ecological Appraisal Report (reference 5892 dated 30 August 2019) submitted with the application for the holiday lodges covered all aspects of Policy DME 3 for the larger site within which the proposed development site is located and of relevance to the current proposal is the comment on page 22 of that report which states *“the stable buildings which are the subject of this application offer negligible potential for roosting bats and moderate potential for nesting birds”*, a letter was obtained from the ecologist who prepared the report which confirmed that this remained the case at the date of the application that is the subject of this appeal. We therefore resubmitted the original appraisal and the letter and consider that they confirmed that this current proposal would not contravene any of the requirements of Policy DME 3.

6. SUMMARY AND CONCLUSIONS


- 6.1 The proposed development comprises the change of use of an existing stable building into a reception and treatment rooms, these are the newer better quality buildings located on the western side of the group of buildings and the demolition of the remaining stables and their replacement with a new timber building which will be of similar construction to the retained stable building. The buildings which will be very similar to those already present on the site will provide a wellbeing centre for use by guests staying at the camping pods which have been sited at the property following the approval of application 3/2019/0894.
- 6.2 The appeal site is situated in an area designated as Open Countryside and is not in within either the Forest of Bowland AONB or the Green Belt.
- 6.3 We consider that we have demonstrated in this Appeal Statement that the proposal represents sustainable development that is in compliance with NPPF and the relevant Policies of the Council’s adopted Core Strategy. Therefore, we respectfully request that this appeal be allowed, and planning permission granted.

Kieran Howarth BA (Hons) MRTPI
For and on behalf of Gary Hoerty Associates

APPENDIX 1

Planning Officers Delegated Report

Report to be read in conjunction with the Decision Notice.							
Signed:	Officer:		Date:		Manager:		Date:

Application Ref:	3/2020/0788	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	06/10/2021	
Officer:	AB	
DELEGATED ITEM FILE REPORT:		REFUSAL

Development Description:	Proposed partial demolition of an existing stable complex and the erection of a new building. Conversion of the retained building to provide a wellbeing centre.
Site Address/Location:	Pendle View Primrose Lane Mellor BB2 7EQ

CONSULTATIONS:	Parish/Town Council
<p>Mellor Parish Council objects as follows:</p> <p>Perhaps it is “convenient” that a change of use of a stable yard into a “wellbeing centre” is proposed. This represents a substantial expansion of facilities in this rural setting not directly related to the provision of holiday lodge accommodation. The proposal appears to support only one employee, so - given there’s a need for 20 car parking spaces do we assume that this “centre” is self-service or “practitioners” are self-employed and rent the rooms. In any case the need for so many car parking spaces seems to suggest an expectation of the facility being available to “non-residents”.</p> <p>Crucially, in the planning submission statement by GHA it clearly states in 1.2 (line 10) that:</p> <p><i>“it is not proposed that it will not be open to the general public”.</i></p> <p>Object on the basis (amongst other reasons) that the proposed development is out of character with the initial application, imparts a further “commercial” business in this rural location and has little, if any, economic benefit to the residents of Mellor and conflicts with many of the principles contained within the Ribble Valley core strategy.</p> <p>Indeed, it confirms the Council’s long-held view that the applicants would “drip feed” applications in anticipation of approval which they know would have been refused if submitted at the outset.</p> <p>Ribble Valley Borough Council adopted a Core Strategy for development and in our opinion many of the objectives and protections afforded by the strategy would be breached if this application is successful.</p> <p>The development will undermine the character, quality and/or visual amenity of this open rural</p>	

area by virtue of its position in the landscape, its scale, and purpose.
 The site is in an open rural area served by only one narrow, steep country lane and its further development will generate additional traffic movements of a scale and type likely to cause undue problems or disturbance.

We must also point out that there is no public transport network passing the entrance to the site and the 25A bus does not stop in close proximity to the site. In addition, as the site provides “holiday lets”, the visitors will be travelling to the site by car.

We firmly believe that further planning applications will be submitted to RVBC over the coming years (there has already been a refused planning application relating to this site from the applicant) requesting permission to build further lodges on adjacent land, turning a once beautiful peaceful, green and bio diverse landscape into a “holiday park”.

We therefore request that this application be refused or, as an absolute minimum, strict conditions imposed on the operation of the site (opening hours, carbon footprint mitigation etc) with a moratorium on future development and non-resident use.

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	

No objections.

CONSULTATIONS:	Additional Representations.
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A total of four objections have been received in relation to this application and raise the following concerns:

- Original site was approved on basis it was ‘small-scale’;
- Is it a viable proposition to open a wellbeing centre for 24 people;
- Proposal will take custom from local businesses;
- Local roads not suitable for extra traffic;
- How would general public be stopped from using facility;
- Flooding of local roads;
- Noise from the centre;
- Visual impact of development;
- The business is not up and running yet;
- Site flooding and surface/foul drainage concerns;
- Should provide electric charging points.

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
 Key Statement DS2 – Sustainable Development

Key Statement DMI2 – Transport Considerations

Key Statement EN2 - Landscape

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport & Mobility

Policy DMR3 – Retail Outside of the Main Settlements

National Planning Policy Framework (NPPF)

Relevant Planning History:

3/1994/0449 – Timber stable block. Approved.

3/1999/0083 – Conservatory with stone dwarf wall. Approved.

3/1999/0666 – Outdoor riding arena with perimeter post and rail fence. Approved.

3/2007/0112 – Single storey extension to rear of property in place of part of the existing conservatory. Approved.

3/2017/0410 – Proposed alterations and extensions of the existing property to provide improved family accommodation. Approved.

3/2019/0894 - Change of use of agricultural land for the siting of 12 holiday lodges, associated site office/reception and car parking area. Approved with Conditions.

3/2020/1061 - Proposed erection of a seven-bedroom holiday cottage. Refused.

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application site is located approximately 1.2km from the village of Mellor Brook and is situated in the open countryside. Access to the site is from Primrose Hill, a narrow countryside lane between Mellor Lane and Saccary Lane. There is an existing residential property at the site, Pendle View, which is owned by the applicant. This is a large, detached dwelling located close to the site entrance. To the west of Pendle View are residential properties at Lower Leaches Farm.

To the east of Pendle View is a timber stable building. Open land to the rear (south) has been granted consent for the erection of 12 holiday lodges, associated site office/reception and car parking area and work has commenced.

Proposed Development for which consent is sought:

The proposal is to change the use of part of an existing timber stable building into a reception and treatment rooms and to demolish and replace the remaining part

of the building to provide a café and wine bar, kitchen, service area, W.C's and storage area. The above facilities would be provided within a single building as a 'wellbeing centre' providing treatments such as holistic therapy, massage and reiki to be used solely by the occupiers of the 12 holiday lodges.

Around half of the existing stable building would be demolished and replaced. The replacement building would result in a marginal increase in floor space and overall height (to 3.2 metres compared with 2.9 metres) and would have a similar footprint and design.

Access to the site would be via the same access track that will serve the approved holiday lodge development and a new staff parking area would be provided to the north of the building.

Principle of Development:

The proposal is located outside of any defined settlement boundary, in this respect, when assessing the locational aspects of development, Policy DMG2(2) is engaged which states that:

Within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:

- 1. The development should be essential to the local economy or social wellbeing of the area.*
- 2. The development is needed for the purposes of forestry or agriculture.*
- 3. The development is for local needs housing which meets an identified need and is secured as such.*
- 4. The development is for small scale tourism or recreational developments appropriate to a rural area.*
- 5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*

The submitted Planning Statement considers that the proposed development complies with point 4. However, it is not considered that the proposed development can be strictly referred to as 'tourism development appropriate to a rural area'.

The proposed use is not of a 'rural' nature; it is not reliant on a countryside location to operate in the same way as a holiday lodge site or an equestrian centre, for example. In addition, it is questionable whether the development is truly 'tourism development' as meant by the relevant Core Strategy policies.

The holiday lodge development at the site is not yet complete and use of the site has not commenced. During the consideration of the holiday lodge site application, one of the benefits of the scheme put forward by the applicant was the positive impact the development would have on local businesses. The provision of on-site

facilities would render guests less likely to visit local centres and therefore the potential benefits to the wider economy would be diminished.

The proposed wellbeing centre is not commensurate with the holiday lodge development from which it would gain its only custom. It would appear highly unlikely that the number of guests that can be accommodated within the holiday lodge development would generate enough custom to make the business viable. No business plan has been submitted with the planning application to demonstrate that the holiday lodge site, which is yet to become operational, would generate sufficient numbers to make the wellbeing centre viable and it would be difficult for the Council to enforce a planning condition that limits use of the facility to site guests only. As such, despite stating otherwise within the application, there is likely to be a reliance on members of the public travelling to the site solely for the purpose of visiting the wellbeing centre.

This raises two concerns. The uses proposed within the building include town centre uses. The NPPF at paragraphs 87-89 states that

'87. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

88. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

89. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.'

This is an out of centre proposal. Whilst reference is made within paragraph 89 to *'other small scale rural development'* it is considered that this relates to uses that are inherently rural such as a farm shop or small-scale office enterprise to establish around an existing use. The establishment of a wellbeing centre offering a range of treatments has the potential to divert custom from local centres contrary to the aim of section 7 of the NPPF which adopts a town centre first approach.

The result of this would be consumers travelling to an out-of-centre site by private motor vehicle rather than visiting existing similar businesses located in more sustainable town centre or village locations.

The application is not supported by a sequential test and, in any case, it is likely that there are premises available in the borough to meet the requirements of the business in more sequentially preferable locations.

Use of the facility by members of the general public would also support the view that the proposals are not truly tourism related. On its own the development is unlikely to attract visitors from outside the borough and would be more likely used by Ribble Valley residents that already use existing facilities elsewhere in the borough.

The development is therefore considered to be contrary to DMI2 and DMG3 of the Core Strategy which attach considerable weight to the availability and adequacy of public transport to serve those moving to and from the development and section 7 of the NPPF, Ensuring the vitality of town centres.

Impact Upon Residential Amenity:

The proposals would not impact negatively on any property in terms of loss of light, outlook, or privacy.

The nearest residential property is Pendle View, owned by the applicant. At present it remains vacant although it is intended that the applicant's daughter will live in the dwelling. There would be the prospect that Pendle View could come into separate ownership, and this would raise some concerns. However, whilst it is likely that there would be some noise generated by the proposed use this could be adequately controlled by the imposition of opening hours restrictions.

Visual Amenity/External Appearance:

As required by Policy DMG2 of the Core Strategy, within the open countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting.

The existing stable building is an inconspicuous wooden structure that is located within a relatively enclosed part of the site. Due to its low height it is not prominent from any local viewpoints and from points where views can be gained it is experienced a simple, unremarkable building that is commonplace in the countryside.

The proposal seeks to demolish over half of the existing building which is unfit for re-use. Stable buildings are lightweight structures with a limited lifespan and are often not fit for conversion without structural interventions such as building up of internal walls. No information has been submitted with the application to demonstrate that the building is structurally sound or to establish the extent of physical intervention required to bring the building up to standard.

Whilst not unduly harmful in its appearance, the existing building does not contribute positively to the landscape - it is not worthy of retention. If the building has reached the end of its useful life as a stables, then there would be betterment arising from its removal. The proposal to demolish and rebuild half of the stables in the same style would not provide a high standard of building design as required by Policy DMG1 and there are no particular benefits arising from the retention and conversion of the remaining section of stables.

In the eventuality that the facility was used by members of the general public, there would be increased concerns relating to the visual impact of additional parking at the site.

Other Matters:

Key Statement DMI2 and Policy DMG3 primarily relate to matters in regard of transport considerations and accessibility. In this respect Key Statement DMI2 states that *'new development should be located to minimise the need to travel. Also it should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for travel by private car'*.

Taking account of the requirements of both DMI2 and DMG3 is it clear that a fundamental and intrinsic requirement of both the Key Statement and Policy is that development be located in a sustainable location that would facilitate access by sustainable means, particularly access by foot and that development should not be sited in locations or be of a configuration that would result in a primary or sole reliance upon the private motor-vehicle, further requiring that development have adequate access to convenient links to public transport.

In respect of these matters, it is clear that if utilised by members of the general public the proposal fails to benefit from adequate walkable access insofar that there is no dedicated footway serving the site that would facilitate safe access by the pedestrian on foot. Furthermore the development, by virtue of its location, also fails to benefit from adequate access by public transport furthermore undermining the ability to access the site through sustainable means of transport.

The County Highways Officer has raised no objections in relation to site access or parking subject to appropriate planning conditions.

An Ecological Appraisal dated 29 August 2019 has been submitted in support of the planning application alongside a report update dated 31 August 2021. The stable building has negligible potential for use by bats and moderate potential for nesting birds. As such, it is recommended that, if consent was granted, demolition of the stables should occur outside the bird nesting period (March-Sept) unless a pre-commencement check is carried out by a licensed ecologist and confirms their absence. In addition, there would be a requirement to provide suitable bird nesting and/or roosting features on the building to enhance biodiversity in accordance with Policy DME3.

Observations/Consideration of Matters Raised/Conclusion:

It is for the above reasons and having regard to all material considerations and matters raised that it is recommended that planning consent be refused.

RECOMMENDATION:	That planning consent be refused for the following reason(s)
01	The proposal is considered contrary to Policy DMG2 of the Ribble Valley Core Strategy as it fails to meet any of the considerations for development in the open countryside contained therein and would result in the provision of main town centre uses outside of a defined settlement contrary to the 'town centre first' approach embodied within Section 7 of the NPPF, 'Ensuring the vitality of town centres', without sufficient justification.
02	The proposal would result in the creation of a new town centre uses in a location that does not benefit from adequate walkable access from or to nearby settlements or public transport infrastructure. As such the proposal will result in a significant and predominant reliance on vehicular trips by the private motor-vehicle contrary to the aims and objectives of Key Statements DS1, DMI2 and Policy DMG3 of the Ribble Valley Core Strategy.
03	The proposed development is considered contrary to Policy DMG1 of the Ribble Valley Core Strategy as it fails to achieve a high standard of design nor responds positively to or enhances the immediate context.

