


**Report to be read in conjunction with the Decision Notice.**

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

<b>Development Description:</b>	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.
<b>Site Address/Location:</b>	Pendle View Primrose Lane Mellor BB2 7EQ

<b>CONSULTATIONS:</b>	<b>Parish/Town Council</b>
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Mellor Parish Council objects as follows:

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”.

Crucially, in the planning submission statement by GHA it clearly states in 1.2 (line 10) that:

*“it is not proposed that it will not be open to the general public”.*

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.

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.

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.

The development will undermine the character, quality and/or visual amenity of this open rural 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.

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
<b>LCC Highways:</b>	
No objections.	
<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
A total of four objections have been received in relation to this application and raise the following concerns:	
<ul style="list-style-type: none"> <li>• Original site was approved on basis it was ‘small-scale’;</li> <li>• Is it a viable proposition to open a wellbeing centre for 24 people;</li> <li>• Proposal will take custom from local businesses;</li> <li>• Local roads not suitable for extra traffic;</li> <li>• How would general public be stopped from using facility;</li> <li>• Flooding of local roads;</li> <li>• Noise from the centre;</li> <li>• Visual impact of development;</li> <li>• The business is not up and running yet;</li> <li>• Site flooding and surface/foul drainage concerns;</li> <li>• Should provide electric charging points.</li> </ul>	

<b>RELEVANT POLICIES AND SITE PLANNING HISTORY:</b>
<p><b>Ribble Valley Core Strategy:</b></p> <p>Key Statement DS1 – Development Strategy  Key Statement DS2 – Sustainable Development  Key Statement DMI2 – Transport Considerations  Key Statement EN2 - Landscape</p> <p>Policy DMG1 – General Considerations  Policy DMG2 – Strategic Considerations  Policy DMG3 – Transport &amp; Mobility  Policy DMR3 – Retail Outside of the Main Settlements</p> <p>National Planning Policy Framework (NPPF)</p>
<p><b>Relevant Planning History:</b></p> <p>3/1994/0449 – Timber stable block. Approved.</p> <p>3/1999/0083 – Conservatory with stone dwarf wall. Approved.</p> <p>3/1999/0666 – Outdoor riding arena with perimeter post and rail fence. Approved.</p>

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 Ribbles 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 it is 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)

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|-----------|---|
| <b>01</b> | 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. |
| <b>02</b> | 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.  |
| <b>03</b> | 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.  |