

The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal and essential supporting documents must reach the Inspectorate within the appeal period. If your appeal and essential supporting documents are not received in time, we will not accept the appeal.

Appeal Reference: APP/T2350/W/22/3291087

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name MR david frost

Address Bramley Croft, Clitheroe Road
Whalley
Whalley
BB7 9AQ

Email

Preferred contact method

Email ☒ Post ☐

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes ☒ No ☐

Name mr PETER HITCHEN

Company/Group Name peter hitchen design Ltd

Address Peter Hitchen Architects Ltd, Marathon House
The Sidings, Whalley
CLITHEROE
BB7 9SE

Phone number

Email

Preferred contact method

Email ☒ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority Ribble Valley Borough Council

LPA reference number 3/2021/0887

Date of the application 14/09/2021

Did the LPA validate and register your application? Yes ☒ No ☐
Did the LPA issue a decision? Yes ☒ No ☐
Date of LPA's decision 09/11/2021

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes ☒ No ☐

Address

Bramley Croft, Clitheroe Road
Whalley
Whalley
BB7 9AQ

Is the appeal site within a Green Belt? Yes ☐ No ☒

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes ☐ No ☒

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form? Yes ☐ No ☒

Please enter details of the proposed development. This should normally be taken from the planning application form.

Proposed holiday cottage within the residential curtilage of Bramley Croft(Resubmission of application 3/2021/0435).

Area (in hectares) of the whole appeal site [e.g. 1234.56] 0.06 hectare(s)

Area of floor space of proposed development (in square metres) 65 sq metre(s)

Does the proposal include demolition of non-listed buildings within a conservation area? Yes ☐ No ☒

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the development. ☒
2. Refused permission to vary or remove a condition(s). ☐
3. Refused prior approval of permitted development rights. ☐
4. Granted planning permission for the development subject to conditions to which you object. ☐
5. Refused approval of the matters reserved under an outline planning permission. ☐
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object. ☐
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above). ☐
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. ☐

9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation. ☐

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☒

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ☐ No ☒

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☒ No ☐

Please explain.

The inspector will need to view the site location and it's proximity to the existing group of buildings etc

2. Hearing ☐

3. Inquiry ☐

H. FULL STATEMENT OF CASE

☒ see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes ☐ No ☒

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available) Yes ☐ No ☒

(b) Have you made a costs application with this appeal? Yes ☐ No ☒

I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates; ☒

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below: ☐

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below. ☐

I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding. ☒

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant. ☐

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below. ☐

J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA. ☒
02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form). ☒
03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. ☒
04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☒
05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. ☒
05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA. ☒
- 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision. ☐
06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application. ☐
06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application. ☐
07. A copy of the design and access statement sent to the LPA (if required). ☒
08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. ☐
09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion. ☐
09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA. ☐
10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. ☐
11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
 - (a) the relevant outline application; ☐
 - (b) all plans sent at outline application stage; ☐
 - (c) the original outline planning permission. ☐
12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached. ☐
13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐
14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute ☐

over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

☒ No

☐

Please give details, including our reference number(s), if known.

APP/T2350/W/22/329057

L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature

mr PETER HITCHEN

Date

20/01/2022 12:54:36

Name

mr PETER HITCHEN

On behalf of

MR david frost

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

M. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	appellant statement.pdf
File name:	time line.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	21_0887_ApplicationFormRedacted.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
File name:	21_0887_ApplicationFormRedacted.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
File name:	decision notice.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	site plan.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	BRAMLEY_CROFT_HOLIDAY_LET_LOCATION_PLAN.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	plans . elevations (1).pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA.
File name:	Design and access statement.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	12. A copy of the original permission with the condition attached if the appeal is against the LPA's refusal or failure to decide an application which relates to

File name:	a condition. decision notice.docx
Completed by	MR PETER HITCHEN
Date	20/01/2022 12:54:36

Planning Appeal Statement of Case

**Bramley Croft, Clitheroe Road, Barrow,
Whalley. BB7 9AQ**

January 2022

**Trevor Hobday MRTPI
Independent Planning Consultant**

Planning Appeal Statement of Case

This planning statement of case is made in support of an appeal against the decision of Ribble Valley Borough Council to refuse planning consent for the erection of a proposed holiday cottage within the residential curtilage of Bramley Croft, Clitheroe Road, Barrow, Whalley. BB7 9AQ

1 Site Location

1.1 The application site lies immediately adjacent to the south of the Barrow Village boundary as identified in the Ribble Valley Core strategy policy DS1; this boundary actually runs east/west taking the line of a drainage ditch. As a consequence, the site sits within open countryside as defined in the Core Strategy.

1.2 To the north of the appeal site and separated by vegetation, is a complex of residential barn conversions. The Eagle is a substantial commercial enterprise in the form of a restaurant and independent small retail outlet (a bakery).

1.3 There is independent private access to the site from Clitheroe Road. The whole of the site is completely screened from any long distance views and is not visible from the public highway.

2 Most relevant Planning History

2.1 The residential curtilage to Bramley Croft was clearly established in 1993 (application 3/1993/0239). That curtilage is lawful.

2.2 Application 3/2021/0435 sought detailed consent for the erection of a proposed holiday cottage within the curtilage of Bramley Croft. Detailed plans of this proposal are submitted as part of this appeal. It will be noted that the design/external appearance incorporated dormers. The application was refused. It will be further noted that the reason for refusal put forward in that decision is identical to that put forward in the appeal proposal.

The Appeal Proposal

2.3 The appeal proposal (application 3/2021/0887) is a resubmission of application 3/2021/0435. In essence, the only change is the design/external appearance in that the dormers have been removed and the design amended in order to satisfy the requirement of the first refusal in making the "cottage" more compatible with its surroundings. In all other respects, the proposal is identical in terms of siting, design, external appearance and footprint.

2.4 As a material consideration in the determination of this appeal the appellant, through his project architect Peter Hitchen Architects Ltd, wishes to draw to the attention of the Inspector, a timeframe of communication between the planning authority case officer in dealing with both the first application (3/2021/0435) and the resubmission (3/2021/0887), the appeal proposal. A statement independently prepared by Peter Hitchen Architects Ltd is appended to this appeal statement of case. It is clear and obvious from the "timeframe" statement that the planning authority have made no attempt whatsoever to enter into any

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meaningful dialogue with the appellant's agent in seeking to achieve a compromise on what is the only issue for consideration in the application, having regard to the reason for refusal and that is the relationship of the proposed cottage to the immediate locality in terms of the design/external appearance of the cottage.

3 The Development Plan

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

Ribble Valley Core Strategy

Key Statement DS1: Development Strategy

Key Statement DS2: Presumption in favour of sustainable Development

Key Statement EN2: Landscape

Key Statement EC1: Business and Employment Development

Key Statement EC3: Visitor Economy

Development Strategy

Policy DMG1—General Considerations.

Policy DME2—Landscape and Townscape Protection.

Policy DMB1—Supporting Business Growth and the Local Economy.

Policy DMB3—Recreation and Tourism Development.

National Planning Policy Framework (The Framework)

Chapter 2 achieving sustainable development

Chapter 6 Building a strong competitive economy

Chapter 8 promoting healthy and safe communities

Chapter 9 promoting sustainable transport

Chapter 11 making effective use of land

Chapter 12 achieving well designed places

Chapter 15 Conserving and enhancing the Natural Environment

Planning Appeal Statement of Case

4 The Case and the Planning Balance

- 4.1 It is respectfully considered that a single issue falls to be considered in this appeal and this relates to the appropriateness of the proposal in terms of its design, external appearance and setting in relation to adjoining development.

5. Planning Policy Assessment

The Framework

- 5.1 The Framework fully supports all efforts to promote sustainable development wherever that may be. **Chapter 2** is explicit. The planning authority does not put forward any evidence to suggest that the proposal fails to meet the requirements of chapter 2. The application proposed is for holiday accommodation only. Such development will meet the requirements of NPPF in this regard in that it will clearly meet an economic, social and environmental objective. Nowhere in the case officer's delegated report is there any reference to the appeal proposal failing to meet these objectives.
- 5.2 Further, the Framework insists upon building a strong and competitive economy per se. **Chapter 6** goes further and offers specific support for facilitating the growth of a prosperous rural economy. Again, the planning authority, in its reason for refusal, offers no evidence that the appeal proposal fails the test of chapter 6. The application proposal meets the tests set down in paragraphs 84 and 85 of chapter 6
- 5.3 At **Chapter 9**, the Framework encourages and fully supports sustainable transport; the planning authority offers no evidence that the appeal proposal is not sustainable in this regard. There is a bus stop on Clitheroe Road outside the Eagle restaurant and opposite. There is a bus service every 30 minutes to Clitheroe/Whalley/Blackburn/Burnley and an hourly service to Clitheroe, Skipton and Preston. The proposal meets the requirements of the Framework.
- 5.4 At **chapter 11** the Framework sets down the tests for making the most effective use of land both urban and rural. The appeal site sits within existing residential curtilage; it is on the very boundary of the urban settlement; it does not occupy an isolated or remote position away from the urban core. The proposal meets the tests set down in paragraphs 120 and 121.
- 5.5 At **Chapter 15**, the Framework support proposals that seek to safeguard, conserve and enhance the natural environment. No evidence is presented in the reason for refusal that remotely suggests that the appeal proposal will damage or harm the natural environment. The appeal site is contained within existing residential curtilage; it is extremely well landscaped and protected from any long distance views; the cottage will sit comfortably on site. The proposal meets the tests set down in the Framework

Planning Appeal Statement of Case

- 5.6 It is respectfully submitted that the appeal proposal is in accord with the requirements of The Framework

Development Plan Core Strategy

- 5.7 The attention of the Inspector is drawn to the fact that, in the reason for refusal put forward by the planning authority, reference is made to 3 core strategy policies only, DMG1, DMG2, DMB3.

Policy DMG1-General Considerations

- 5.8 This policy sets down 6 separate matters that fall to be considered when dealing with an application proposal; these are: Design, Access, Amenity, Environment, Infrastructure, Other.

Design

- A The appeal proposal is the resubmission of an earlier refusal; the project architect has produced a "timeline" statement that very clearly demonstrates the intransigence of the planning case officer in failing to offer any guidance whatsoever relative to overcoming the issue of design in terms of policy DMG1; the original scheme was amended, the dormers removed; siting, footprint, external appear are clearly not an issue as can be seen from the officer delegated report; the architect can rightly conclude that by making the design more compatible with the immediately adjacent development and also having regard to the substantial modern housing estate currently being developed not 200m from the appeal site and not forgetting the mixed industrial/commercial/residential development immediately opposite the Eagle on Clitheroe Road, that the matter of achieving a compatible design was achieved; indeed if it had not been then surely it is for the planning authority to offer comment; they have not done so and even in the officer report, no convincing evidence has been put forward to support the view that the proposal is contrary to this element of policy DMG1. The design of the cottage is entirely compatible with its surroundings, has no adverse impact upon any material consideration in this regard and meets the requirement of the policy.

Access

There is no issue with access at all; there is no objection to the proposal from highways.

Amenity

The case officer in the delegated report affirms that there are no issues raised in the proposal that adversely impact upon the requirements of this element of policy DMG1

Environment

There are no issues raised by the case officer in the delegated report that indicate that the proposal conflicts with the requirements of this element of the policy.

Planning Appeal Statement of Case

E **Infrastructure**

Again, no issues were raised in the officer delegated report that demonstrated that the proposal is contrary to the requirements of this element of the policy.

F **Other**

The proposal does not conflict with this element of the policy.

- 5.9 It is respectfully submitted that the appeal proposal complies with the requirements of policy DMG1

Policy DMG2-Strategic Considerations

- 5.10 This policy requirement states that within tier 2 villages and outside the defined settlement areas, development must meet at least **one** of a number of listed considerations; in dealing with this appeal, the most relevant consideration is clearly (4) which states: "the development is for small scale tourism or recreational developments appropriate to a rural area". There is a veiled suggestion in the officer delegated report that the proposed use that is, a holiday let, is inappropriate development in terms of the overall economic strategy of the Ribble Valley. That cannot be the case;; it is a very serious economic objective of the Authority and the Core Strategy policies demonstrate this; Indeed, throughout the Ribble Valley and in all designated areas, there is a fundamental objective to boost tourism and associated recreational facilities. There are a plethora of caravan sites, holiday lets, glamping sites with many isolated and remote from settlements. Such promotion of tourism related activities and the benefits that they bring to the local economy are to be supported and encouraged. The appeal proposal will contribute to the continued success of this policy.

- 5.11 The appeal site lies in open countryside but is immediately adjacent to the urban boundary; it sits on a regular bus route to Clitheroe, Whalley, Blackburn and Burnley and further afield; Whalley is a 15 minute walk away and has can cater for a variety of retail, recreational, educational and heritage uses and pastimes. The planning case officer, in the delegated report, accepts that the proposal has no adverse impact upon residential amenity, access, ecology/trees or visual amenity. The proposal meets the requirements of this strategic policy in every respect.

Policy DMB3-Recreation/Tourism

- 5.12 The policy is a permissive one; it clearly states that planning permission will be granted for development subject to it meeting requirements as set out in sections 1-6 of the policy. It is respectfully submitted that for the reasons already set out in this statement of case, the appeal proposal meets the requirements of this policy as it does all others!

6. **Planning Conditions**

Planning Appeal Statement of Case

- 6.1 It would be entirely appropriate to attach a condition that requires the development to be carried out in accordance with the details contained in the submitted plans. A condition that removes permitted development rights would be acceptable. The applicant will also accept a planning condition that restricts the use to that applied for and that it is not occupied on a permanent residential basis.

7. Conclusions

- 7.1 This planning appeal proposal seeks consent for a holiday cottage. The detailed scheme is effectively a resubmission of an earlier application that was refused on an identical ground. The planning authority, in dealing with both planning applications, have not offered any planning advice to the appellant's architect on how best to overcome their objection to the original application and subsequent re-submission given the fact that the sole objection clearly appears to relate to matters of design and external appearance.
- 7.2 For the reasons set out in the statement of case, the proposal is considered to comply fully with Ministerial and Development Plan policy. It is respectfully requested that the appeal is allowed and planning permission granted, with conditions, for the development as set out in application 3/2021/0887

Trevor Hobday MRTPI

January 2022