

## Grounds of Appeal



**Winton  
145 Whalley Road  
Wilpshire  
Blackburn  
BB1 9NE**

Prepared by HAD & Co Property Consultants Ltd.  
For Mr Manzur Khan.



## **2- Background**

- 2.1 A retrospective planning application for the existing outbuilding containers was sent to the Local Planning Authority on behalf of the applicant by HAD & Co on **4th October 2021**. The planning application reference number was 3/2021/0944.
- 2.2 The application was given a determination deadline of **29th November 2021** and Adam Birkett was the designated Planning Officer.
- 2.3 There was an update request sent to the Planning Department email address on 28<sup>th</sup> October 2022. A follow up email was sent for an update on the decision date, 29<sup>th</sup> November 2021.
- 2.4 Calls were made to the Planning Department to speak with the planning officer on 1<sup>st</sup> December 2021, however they were away from their desk and an email was sent directly to them to again chase up the application. A reply from Adam Birkett on the same day detailed that he was due to leave the council and the application would be re-allocated to another officer- he also confirmed he had not had chance to assess the application. When asked for the next steps, Adam advised it would be re-allocated by the Head of Planning: John Macholc.
- 2.5 On 10<sup>th</sup> December 2021, an email was sent to John Macholc to ask when the application would be considered and re-allocated as the current planning officer was no longer working for the council. John replied on the same day to advise it would not be re-allocated until after the New Year and that there had been difficulties gaining access to the site. When updating the applicant, it was noted that no-one from the council had attempted to contact them for access.
- 2.6 There was a third party objection uploaded to the Council's online planning portal which was not related to the correct application or address, on 15<sup>th</sup> December 2021 it was requested that this objection was removed from the application and Lesley Lund from the Planning Department agreed this would be removed.
- 2.7 Lesley Lund sent an email on 7<sup>th</sup> January 2022 to inform Adam Birkett had now left the council and the application would soon be re-assigned.
- 2.8 On 25<sup>th</sup> January 2022, a chase up email was sent to the council to see if the application had been re-allocated. The

### **3- Grounds of appeal**

- 3.1 This section sets out the grounds of appeal for the application by firstly considering the reasons for refusal and how the applicant feels they have complied with the relevant planning policies considered. Secondly, taking a closer look at other applications within the Green Belt that Ribble Valley Council have deemed acceptable as precedence.

#### Reasons for Refusal

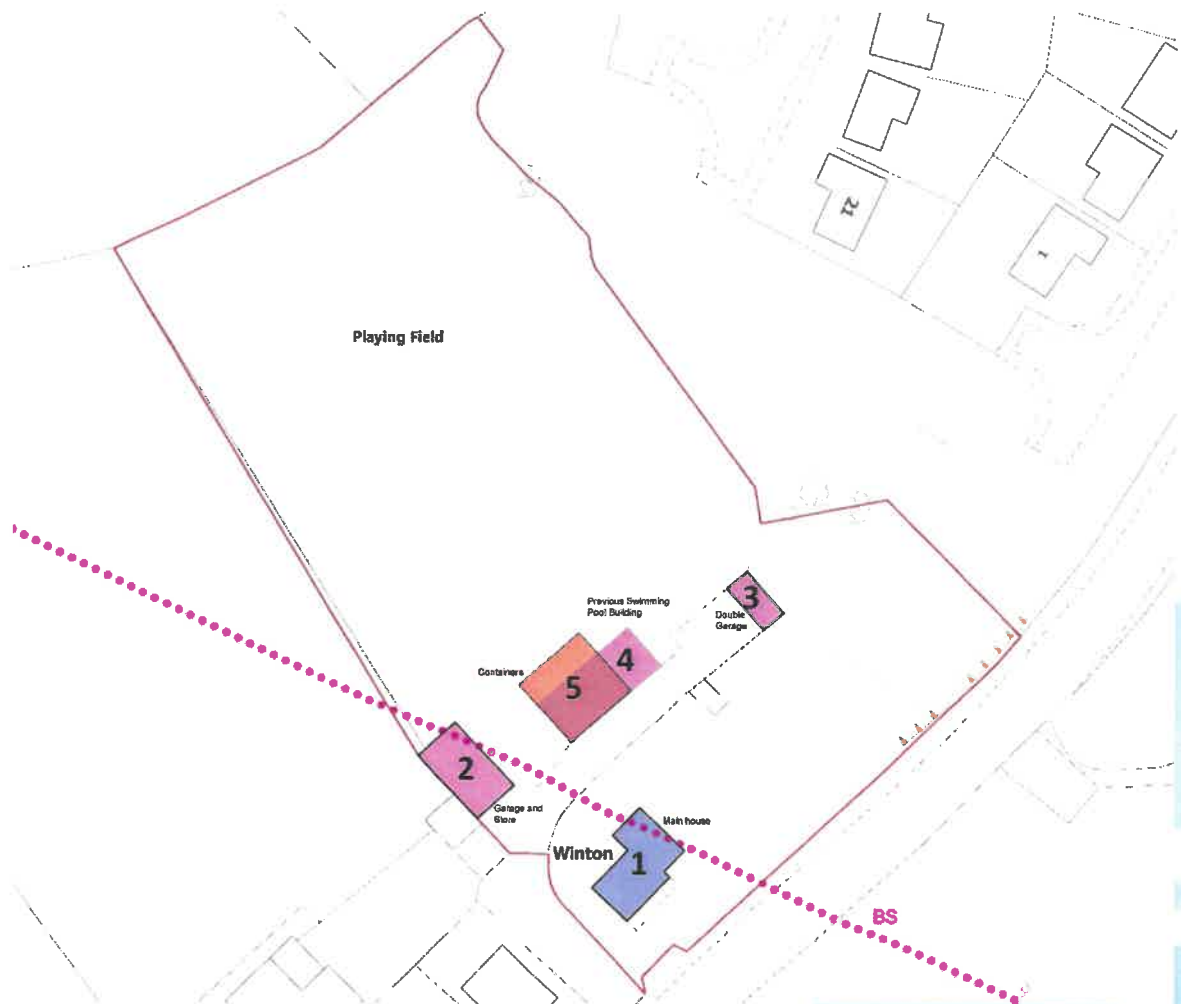
##### **3.2 Reason 1-**

The design, scale and external appearance of the units are correspondent to the previous building that housed the retained swimming pool. The containers were placed here following the collapse of the old outbuilding and the plans were to convert these units into ancillary leisure space for the residents of Winton, 145 Whalley Road in replacement of that collapsed building.

- 3.3 The containers are proposed to be improved from their current appearance with timber cladding and a new green pitched roof to provide a more gentle, eco-friendly and suitable appearance for the outbuilding within the residential garden space that is located within the council's Green Belt designation. The applicant has been opened to alter these material choices to the council's preference however, lack of communication from the Planning Department has meant no such discussions have been able to take place.
- 3.4 The outbuilding replaces a previous structure that served as ancillary leisure space for the occupants to use as part of their private residential garden. This long-standing building will have also had the same effects, if any, on the Green Belt land used as garden space. This structure has no negative impact on existing wildlife, trees, bushes or shrubs.
- 3.5 The "visual and spatial openness" of the Green Belt is still evident throughout the expansive remaining garden space, as the majority of this has remained un-touched by new buildings. There are a few existing built structures on this part of the applicants' land, separated from the main house and attached ornamental garden by the extended driveway to one of the garages, however the total floor area of these outbuildings including the containers only reaches 3.15% of the total site area. Therefore, it can be seen that the openness of the Green Belt is barely impacted upon.

This forms a total of 1.72% of the available garden space for these outbuildings. This is a minor amount considering the overall space available and the applicant believes this does constitute as "modest" as it is usually acceptable for householders to extend or build on Green Belt designated land under their ownership by up to a third.

Areas & Footprints:



**Total Site Area = 8776m<sup>2</sup>**

- |                                    |                   |                  |
|------------------------------------|-------------------|------------------|
| 1- Main House                      | 2- Garage & Store | 3- Double Garage |
| 4- Previous Swimming Pool Building | 5- Containers     |                  |

#### **4- Why the decision should be overturned**

- 4.1 It is believed the decision should be overturned as the main reason for refusal was due to the designation of the land being classed as Green Belt.

#### Precedence:

- 4.2 However, Green Belt designation, although discouraged, does not mean it cannot be built upon. There are exceptions and mitigating factors that can be considered when approaching development within these areas.
- 4.3 The ultimate aim of Green Belt designation is to prevent urban sprawl. The council have failed to show how this development would contribute to that. Such a minor and modest replacement building would make little if no effect on the Green Belt designation and would not contribute to an area of urban sprawl.
- 4.4 As this is also a replacement building, it is also unlikely to set a precedence within the area by way of allowing the appeal. It is a unique incidence whereby an existing building unfortunately collapsed and the quick-fix to protect the swimming pool structure underneath has been subject to council scrutiny.
- 4.5 There are numerous examples in the local press whereby Green Belt land has been allowed to be developed. A vast majority of the Ribble Valley Borough is designated Green Belt wherever there is open green space and that is not also within the Forest of Bowland Area of Outstanding Natural Beauty.
- 4.6 As the Green Belt designation is to stop urban sprawl and keep the open green space barriers around existing towns and cities- the large developments have much more of a definitive impact on the protected space than that of this small minor householder application that replaces a previous building.
- 4.7 The following applications detail similar proposals that have been allowed within Ribble Valley Borough, and also some developments that have been allowed that are located on Green Belt designated land.
- 4.8 **Example 1 - App No: 3/2018/0759: Retention and modification of converted shipping container**

The above application is very similar to this one and was approved by Ribble Valley Borough Council 9<sup>th</sup> October 2018.



## **5- Conclusion**

- 5.1 In conclusion, to state that the minor replacement outbuilding for the use of the existing family residing at Winton, 145 Whalley Road, Wiltshire would harm or negatively impact the Green Belt for this local area is unfair.
- 5.2 The lack of cooperation and effort from the Local Planning Authority throughout the application also has the applicant thinking the council had already made up their minds on the outcome of this application based on previous submissions, and this version had not been properly considered. It is also believed that there was no site visit by the planning officer to get a real sense of the place and personally see the openness and spatial quality of the remainder of the garden at Winton.
- 5.3 The applicant feels the proposal should be granted planning permission on the grounds that the reasons for refusal are unjust, and the council have been unfair in their decision as they have approved a comparable scheme within the Borough and have not fully considered this application on its own merits. There were also no objections received for the application.
- 5.4 The applicant also wishes to inform the Planning Inspectorate they have been paying council tax for these containers, that supposedly are not permitted.

