

## RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley  
Borough Council

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### APPEAL STATEMENT

### TOWN & COUNTRY PLANNING ACT 1990

<b>Planning Inspectorate Reference:</b>	APP/T2350/W/22/3303764
<b>LPA Application Reference:</b>	3/2021/1222
<b>NGR:</b>	SD 382666 446045

Appeal by Mrs. Christine Parker-Cale

Against the decision of Ribble Valley Borough Council to refuse outline planning consent with all matters reserved for the creation of one new residential dwelling and a carport in the garden of

Myrvil House, Howgill Lane, Rimington, BB7 4EF.

**WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF OF  
THE LOCAL PLANNING AUTHORITY**

## **1. Introduction**

This appeal is against the decision of Ribble Valley Borough Council to refuse outline planning consent with all matters reserved for the creation of one new residential dwelling and a car port in the garden of Myrvel House, Howgill Lane, Rimington, BB7 4EF.

### **1.1 The reasons for refusal read as follows:**

- (1) *The proposal would amount to the creation of a new dwelling in an unsustainable location, which fails to meet the relevant criteria with regards to the creation of new dwellings within areas defined as open countryside. As such, the proposal is considered to be unacceptable in principle being in direct contravention of Policies DS1, DMG2 and DMH3 of the Ribble Borough Valley Core Strategy which seek to direct new housing development towards the existing settlements.*
- (2) *The proposal, if permitted, would lead to the intensification of use of an access which lacks the adequate width and adequate visibility deemed safe and suitable for such a proposal. Accordingly, the proposal is considered to be unacceptable, being contrary to Policy DMG1 of the Ribble Valley Core Strategy and contrary to paragraphs 110 and 111 of the National Planning Policy Framework (2021).*

## **2. The Appeal Site**

### **2.1** The appeal property is a two storey dwelling situated on the outskirts of Rimington. The appeal property is situated within the Eastern half of a sizeable residential curtilage served by a vehicle access which runs along the Eastern perimeter of the curtilage. The unoccupied property of Myrvel Cottage lies directly adjacent to the East of the application property. The Western half of the property's curtilage comprises a grassy garden area which contains various types of planting and a polytunnel. The appeal site is situated amongst a small cluster of stone based dwellings approximately 1.8 metres to the East of Rimington's defined settlement area. The surrounding area is rural and largely comprises open countryside.

## **3. Relevant Planning History**

3.1 3/2002/0258: Change of use to restoration workshop (Approved)

3/1998/0131: Change of use of farm building to form dwelling (Approved)

3/1993/0002: Change of use of farm building to dwelling (Approved)

3/1982/0480: Proposed change of use of farm building to form dwelling (Refused, Allowed on appeal)

#### **4. Relevant Legislation & Guidance**

4.1 National Planning Policy Framework

National Planning Practice Guidance

RVBC Core Strategy: Policy DS1 - Development Strategy

RVBC Core Strategy: Policy DS2 - Sustainable Development

RVBC Core Strategy: Policy DMG1 - General Considerations

RVBC Core Strategy: Policy DMG2 - Strategic Considerations

RVBC Core Strategy: Policy DMG3 - Transport And Mobility

RVBC Core Strategy: Policy DMH3 - Dwellings In The Open Countryside And AONB

#### **5. Case of the Local Authority**

5.1 An application for planning permission was made to the Council by the appellant on 26<sup>th</sup> November 2021. The application in question sought outline planning consent for the creation of a detached single storey residential dwelling and car port within the garden of Myrvil House, Howgill Lane, Rimington.

5.2 A subsequent assessment of the application determined that the proposed development would have amounted to the creation of a new dwelling in an unsustainable location served by an existing vehicle access with substandard visibility splays.

5.3 Accordingly, the application was refused on 26<sup>th</sup> January 2022 on the grounds of unsustainable development and highway safety. Following this, an appeal was launched by the applicant on 25<sup>th</sup> July 2022.

5.4 Key statement DS1 sets out the spatial vision for the Borough with a view to siting the majority of new housing within the principle settlements of Clitheroe, Longridge and Whalley and within the Strategic Site at Higher Standen just to the South of the A59.

5.5 Policy DMG2 seeks to support the spatial vision and carries a requirement for all development within Tier 2 Villages and outside of the Borough's defined settlement areas to meet at least one of the following considerations:

*The development should be essential to the local economy or social well-being of the Area.*

*The development is needed for the purposes of forestry or agriculture.*

*The development is for local needs housing which meets an identified need and is secured as such.*

*The development is for small scale tourism or recreational developments appropriate to a rural area.*

*The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*

*The development is compatible with the enterprise zone designation.*

5.6 With regards to the development of dwellings in the open countryside and AONB, Policy DMH3 seeks to restrict residential development to development essential for the purposes of agriculture or residential development which meets an identified local need. The same policy also allows for the conversion of buildings to dwellings and for the rebuilding and replacement of dwellings under certain circumstances.

5.7 In this instance, the refused proposal involves the creation of a new dwelling within the curtilage of Myrvel House which lies outside of Rimington's defined settlement area within the open countryside.

5.8 As the applicant has ownership of the property Myrvel House the proposed development would not constitute local needs housing which meets an identified need. In addition, the proposed development is not considered to meet any of the other exceptions listed within Policy DMG2.

5.9 Furthermore, the proposal would not involve the re-use, conversion or replacement of any other building or dwelling and as such would also fail to meet any of the exceptions listed within Policy DMH3.

5.10 Moreover, LCC Highways are of the view that the property's existing vehicle access is substandard in terms of visibility splays. As such, the proposal was refused on highway safety grounds on the basis that this access is within the proposed scheme.

5.11 Taking account of the above, it is the Council's view that the proposed development would amount to the creation of a new dwelling in an unsustainable location which in turn would be contrary to Policies DS1, DMG2 and DMH3 of the Ribble Borough Valley Core Strategy.

5.12 The planning statement provided with the application included reference to the applicants general ill-health. A supporting letter from the applicant makes further broad references to physical and mental health issues and the desire to live in a new dwelling in order to manage these issues more effectively.

5.13 The supporting information referred to has been noted and given due consideration during the assessment of the proposal, however, the decision was based upon the information provided with that application and it was ultimately determined that the applicant had failed to provide sufficient justification to warrant acceptance of the proposed development.

5.14 Notwithstanding the above, it is noted that the appellant has now provided a significant amount of additional supporting information which includes detailed correspondence from social workers and healthcare and medical professionals, all of which provide comprehensive details of the applicant's physical and mental health issues.

5.15 Notwithstanding this additional supporting information the Council is of the view that this does not change the outcome of the proposal and does not outweigh the policy implications of allowing a new dwelling in this location contrary to policy.

5.16 The Council has no comments to make on the Appellants Statement which relies on additional information relating to the Appellant's health and interpretation of policy.

## 6. Conclusion

6.1 In conclusion, the proposed development would be contrary Policies DS1, DMG2 and DMH3 of the Ribble Borough Valley Core Strategy therefore it is respectfully requested that the appeal be dismissed.

6.2 Should the inspectorate be mindful to allow the appeal then the Council asks that the following conditions be considered in relation to acceptance of the proposal:

(i) *Application for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates. (a) The expiration of three years from the date of this permission; or (b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.*

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

(ii) *The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced: - access; appearance; layout; landscaping; and scale.*

*Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015*

*and details of the matters referred to in the condition have not been submitted for consideration.*

(iii) *The submission of reserved matters shall include details of all proposed refuse storage areas, boundary treatments/fencing/walling and existing and proposed land levels, including slab levels. The development shall be carried out in strict accordance with the approved details.*

*Reason: In order to ensure that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality.*

(iv) *Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:*

*Location Plan Drawing No: A0.3 22.11.21*

*Proposed Site Plan Drawing No: A1.2 22.11.21*

*Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.*

(v) *Notwithstanding the submitted details, the height of any of the dwellings proposed in any subsequent reserved matters application(s) pursuant to the outline consent hereby approved shall not exceed single storey in height.*

*Reason: To ensure the proposed development responds positively to characteristics of the area and to ensure the Local planning Authority can make an accurate assessment of potential impacts upon existing nearby residential amenity as a result of the development.*

(vi) *Applications for the approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) including the levels of the proposed roads. For the avoidance of doubt the submitted information shall include existing*

*and proposed sections through the site including details of the height, scale and location of proposed housing in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.*

*Reason: To ensure the proposed development responds positively to characteristics of the area and to ensure the Local planning Authority can make an accurate assessment of potential impacts upon existing nearby residential amenity as a result of the development.*

(vii) *No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following: -*

- hours for site preparation, delivery of materials and construction*
- the parking of vehicles of site operatives and visitors*
- loading and unloading of plant and materials*
- storage of plant and materials used in constructing the development*
- the erection and maintenance of security hoarding*
- measures to control the emission of dust and dirt during construction, including a wheel washing facility; and*
- a scheme for recycling/disposing of waste resulting from construction works*
- routing of delivery vehicles to / from site.*

*The duly approved CMS shall be adhered to throughout the construction period.*

*Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings and to ensure the development would not be of detriment to the safe operation of the immediate highway during the construction of the development.*

(viii) *Prior to any above ground works taking place on the construction of the dwelling hereby approved, details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes/artificial bat roosting sites have*

*been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall identify the nature and type of the nesting boxes/artificial roosting sites and the locations(s) or wall and roof elevations into which the above provisions shall be incorporated. The artificial bird/bat boxes shall be incorporated into the dwelling during the construction stage of the development and made available for use before the dwelling hereby approved is first occupied and thereafter retained. The development shall be carried out in strict accordance with the approved details.*

*Reason: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development.*

- (ix) *All trees / hedges shown to be retained on any approved plan shall have be enclosed within temporary protective fencing throughout the construction process in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period. Any trees that are damaged or suffer at the expense of the development shall be replaced at the applicant's expense.*

*Reason: To protect the existing trees in the interest of visual amenity.*

- (x) *No clearance of any trees, shrubs or hedging in preparation for or during the course of development shall take place during the bird breeding season (March - August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the trees and hedges to be cleared are not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird breeding season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.*

*Reason: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact of development.*

(xi) *The site shall be drained via separate systems for the disposal of foul and surface water.*

*Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment.*

(xii) *No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include: (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and (iii) A timetable for its implementation. The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.*

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*