

# Martin Top Farm, Martin Top Lane, Rimington, BB7 4EG

Erection of a single storey rear and side extension, and erection of two storey rear extension.

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## PLANNING STATEMENT (INCLUDING WASTE MANAGEMENT STRATEGY)

November 2021

# REPORT CONTROL

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Client	Mr and Mrs Gioserano
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## /1 INTRODUCTION

- 1.1. PWA Planning is retained by Mr and Mrs Gioserano ('the Applicant') to progress a householder planning application for the erection of a single storey side and rear extension, and the erection of a two storey rear extension ('proposed development') at Martin Top Farm, Martin Top Lane, Rimington, BB7 4EG ('application site').
- 1.2. This Planning Statement's purpose is to assess and conclude on the acceptability of the proposal in terms of relevant national and local planning policy, along with any material considerations. The planning application is made to Ribble Valley Borough Council ('the Local Planning Authority') as a full application and relates to the red edge application site boundary defined by the submitted Location Plan.
- 1.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This Planning Statement will demonstrate that the proposals accord with the provisions of the relevant policies of the Development Plan, and moreover that there are other significant material considerations which indicate that planning permission ought to be granted. In addition, the statement will seek to demonstrate that there are no technical reasons which could hinder the grant of planning permission.
- 1.4. This statement should be read in conjunction with the submitted application package, which includes the following documents: -
  - 1 APP form, relevant certificates and notices;
  - Preliminary Bat Roost Assessment Report;
  - Drawn information: -
    - Existing Elevations;
    - Existing Floor Plans;
    - Existing Site Plan;

- Location Plan;
- Proposed Elevations;
- Proposed Floor Plans;
- Proposed Site Plan;
- Planning Statement (including Waste Management Strategy) (this document).

1.5. The aforementioned documentation reflects the validation requirements of Ribble Valley Borough Council.

1.6. The remainder of this report is structured as follows: -

- Section 2 – Site Description;
- Section 3 – Planning History;
- Section 4 – Proposed Development;
- Section 5 – Technical Considerations;
- Section 6 – Planning Policy Context;
- Section 7 – Planning Policy Assessment;
- Section 8 – Conclusions.

## /2 SITE DESCRIPTION

- 2.1. The application site, a residential property with associated outbuildings in its curtilage, is located to the northeast of Martin Top Lane. The dwelling is set within a large plot with a sizeable garden. To the west of the site, on the other side of Martin Top Lane, lies a cottage and outbuilding. This is largely obscured from the application site by hedges and trees. The site is surrounded to the north, east and south by agricultural land.
- 2.2. A location plan showing the site within its wider setting is provided with the supporting documents. For an aerial image of the site within its closer setting please see Figure 1 below.



*Figure 1: Aerial image showing the location of the site (not to scale) (Source: Google Earth)*

- 2.3. There are no listed buildings within the site with the nearest listed building, Lower Gills Farmhouse, which is Grade II listed, located 0.5km to the south. The site is not subject

to any ecological or landscape designations and by reference to the Environment Agency's flood risk map, the site does not fall within an area subject to flooding.

## /3 PLANNING HISTORY

3.1. A search of Ribble Valley Borough Council's planning register has been carried out to understand the planning history relevant to the site and the proposed development. Applications on Ribble Valley Borough Council's public access system which are relevant to the proposal at hand are:

- **Application Ref. 3/2021/0865.** Single storey rear extension. Permission not required 08/10/2021.
- **Application Ref. 3/2021/0477.** Side and rear extension. Certificate of lawfulness issued 22/09/2021.

## /4 PROPOSED DEVELOPMENT

- 4.1. The application proposes the erection of a single storey side and rear extension, and a two storey rear extension at Martin Top Farm. The application is submitted in full, the layout is illustrated on the submitted site plan.
- 4.2. The development comprises a similar composition of the scheme that can be built by virtue of the permitted development extensions, detailed under the previous Planning History Section and illustrated in Appendix A. However, in essence the key difference between that proposed development in this application, and that which could be built by permitted development is that the single storey side extension is now proposed to adjoin the rear single storey extension, as opposed to the existing side elevation of the property. Visually it is thought that this is a better proposal from a planning perspective, as it will preserve the original frontage of the property, compared to the permitted development proposal.
- 4.3. The side and rear extension is proposed to be single storey and will provide a large family room and open plan kitchen. This part of the proposal will provide a flat roof, with brick to match the existing dwelling. In terms of openings, the east elevation will provide two small windows, whilst the south and north elevations incorporate glazing. The northern elevation will provide clear views out across the dwelling's garden and the wider surrounding countryside.
- 4.4. The two storey rear extension will provide a bathroom, utility and snug on the ground floor with a master bedroom including a dressing room and ensuite at the first floor. The extension will follow a similar form to the existing arrangement, with the gable facing north, though a chimney will now be provided on the eastern elevation as opposed to the central aspect of the gable as per the existing arrangement. Materials will match the existing dwelling. The western elevation will provide seven small windows, with the northern elevation providing three windows.

4.5. The current anticipated material for the proposal is planned to be the following, however, the applicant remains open to discuss these choices as needed during the planning process:

- Walls – natural stone, to match existing
- Pitched roof – natural slate, to match existing
- Flat roof – lead coloured metal roof
- Windows – polyester powder coated aluminum frame or traditional hardwood to match the house in the two storey extension

## /5 TECHNICAL CONSIDERATIONS

- 5.1. The planning application is supported by the necessary technical reports to demonstrate that the proposed development is capable of being implemented without significant adverse impacts arising from site constraints. These impacts are considered below.

### **Ecology**

- 5.2. A Preliminary Bat Roost Assessment has been undertaken at the site. The survey confirms no bats exist at the site, and no further ecological assessments are required for the development applied for.

### **Waste Management Strategy**

- 5.3. Waste refuse and recycling are to continue as per the existing arrangement at the property.

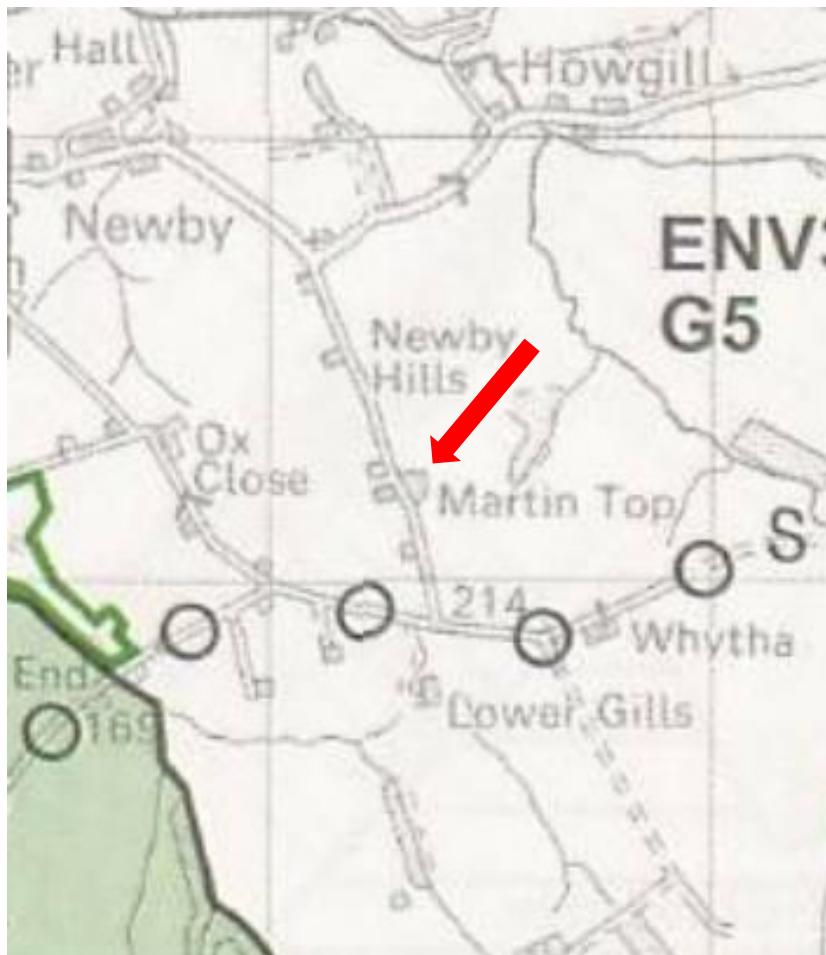
## /6 PLANNING POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: "*where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.*"
- 6.2. The Development Plan for the application site comprises of the Ribble Valley Borough Council Core Strategy 2008-2028 and proposals map (1998). Key policy documents that comprise 'material considerations' include to the National Planning Policy Framework (NPPF) and any local supplementary planning guidance documents considered relevant to the proposal.

### **Development Plan**

#### Ribble Valley Borough Council Core Strategy 2008-2028

- 6.3. The policies considered relevant to the determination of the application are:
  - Key Statement DS2: Sustainable Development;
  - Key Statement EN2: Landscape;
  - Policy DMG1: General Considerations;
  - Policy DME2: Landscape and Townscape Protection;
  - Policy DMH5: Residential and Curtilage Extensions.



*Figure 2: Excerpt from the Ribble Valley Borough Council Proposal Map*

- 6.4. **Key Statement DS2** looks to mirror Paragraph 11 of the NPPF which details the sustainable development principles that seeks to guide both authorities and developers. Further to that, it places emphasis on the Council to develop proactive relationships with applicants to ensure where possible applications are approved unless material considerations indicate otherwise.
- 6.5. **Key Statement EN2** mainly focuses on protection of the Forest of Bowland AONB through ensuring development contributes to the conservation of the area by enhancing and protecting the landscape and character. The statement does offer more general coverage by linking the policy to the protection of all landscapes outlining that

the Council expects all development to be in-keeping with the character of the local landscape. In the Council's justification for the policy they state that:

*"The Council will also seek to ensure that the open countryside is protected from inappropriate development. Developers should adopt a non-standardised approach to design which recognises and enhances local distinctiveness, landscape character, the quality of the built fabric, historic patterns and landscape tranquility."*

6.6. **Policy DMG1** sets out the general considerations which assists with ensuring that development proposals are in line with numerous broad considerations by providing a series of overarching themes regarding the quality of developments.

- Design;
- Access;
- Amenity;
- Environment;
- Infrastructure;
- Other.

6.7. **Policy DME2:** Landscape and Townscape protection states that proposals which induce significant harm to important landscape features will not be supported.

6.8. **Policy DMH5** states that '*proposals to extend or alter existing residential properties must accord with Policy DMG1 and any relevant designations within which the site is located*'. The remaining aspect of the policy relates to the extension associated with accommodation for elderly or dependent relatives, and extensions of curtilage.

#### 6.9. **Material Considerations**

National Planning Policy Framework (NPPF)

- 6.10. The NPPF is a material consideration in planning decisions as per Paragraph 2 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 6.11. The NPPF sets out Government planning policies for England and how these are expected to be applied. The NPPF sets out the Government's presumption in favour of sustainable development (Paragraph 11) whereby proposed developments which correctly balance the requirements of economic, social and environmental issues should be granted planning permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. The NPPF also strongly supports economic and housing development.
- 6.12. Sustainable development is broadly defined in Paragraph 8 of the Framework as having three overarching objectives:
  - *a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
  - *b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
  - *c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

## /7 PLANNING POLICY ASSESSMENT

### **Principle of Development**

7.1. The principle of extending a residential dwelling is generally acceptable in most locations. This emphasised by the fact that generally dwellings benefit from permitted development rights which allow for certain extension works to be undertaken without the need for formal planning permission. This, as detailed in the above Planning History section is relevant in this instance with the fallback position provided via permitted development rights, as per the plans enclosed in Appendix A.

7.2. When considering the likes of fall-back positions, and the opportunities available through permitted development rights in the consideration of applications, attention should be drawn to relevant case law. The weight to be attributed to the fallback should be determined in accordance with the legal principles set out in case law: *R v Secretary of State for the Environment and Havering BC [1998] Env LR 189*. This established 3 elements to the fallback test:

1. Whether there is a fallback (i.e. a lawful ability to undertake the development);
2. Whether there is a likelihood or real prospect of it occurring;
3. And if so whether a comparison must be made between the proposed development and the fallback.

7.3. This test is referred to in the judgment in *Mansell v Tonbridge and Malling [2016] EWHC 2832 (Admin)* (subsequently upheld in the Court of Appeal). In this case, the appellants had illustrations prepared by an architect showing the alternative development that could be constructed using permitted development (PD) rights, in the same way as the applicant has for at Martin Top (and agreed by the Council as being permitted development). There is an alternative development which could be implemented as a fallback. The first stand of the above legal test is therefore met.

7.4. The second strand of the test relates to the prospect of the development being carried out. There can be no doubt that the applicants wish to increase the size and modernise the accommodation at Martin Top Farm. This is demonstrated by the application itself, but likewise the pre-application discussions that have taken place historically with the Council, along with the submissions of both prior approval submissions and the attainment of a Lawful Development Certificate. The permitted development option would not be the applicants' first choice primarily because it does not offer the same opportunities, nevertheless, if the applicants' are unable to obtain planning permission for the proposed development, they would without doubt extend the dwelling using permitted development rights to get as close as possible to the additional accommodation they require. This cannot be disregarded, or attributed little weight, without good reason. The second strand of the test relating to fallback is therefore met.

7.5. The third part of the test; the comparison between the proposed development and the fallback. In terms of size, the permitted development extensions would result in a extension that would be similar to what is proposed in this application and therefore the third part of the test is also considered to be met.

7.6. This matter aside, and in looking directly at the relevant planning policy in establishing the principle of development, it is considered that Policy DMH5 which relates to residential extensions is directly relevant. The policy states that '*proposals to extend or alter existing residential properties must accord with Policy DMG1 and any relevant designations within which the site is located*'. As such, in order to be found compliant with the Development Plan, the proposal must find compliance with Key Statements EN2, as well as Policies DMG1 and DMG2.

7.7. Specifically, the scheme is not thought to induce any harm on existing features of the house or the wider landscape and is considered to be of a scale that is consistent with other nearby approvals and is appropriate to the surround. The changes do not impact any heritage assets or comprise relationships with other existing built form and would

not generate any traffic or lighting issues. Consequently, the proposal is considered acceptable in principle in the context of the aforementioned relevant policies.

***Design***

- 7.8. The supporting suite of planning drawings accompanying the application illustrate the appearance of the proposed works. The design of the development has been carefully considered to provide a high-quality finish to the elevations whilst respecting its existing fabric.
- 7.9. The design ensures that the extensions do not result in a dwelling which is excessive in scale and certainly not oversized in relation to its curtilage, which as noted is expansive. The materials used will replicate the existing with the intention being for the extended portions to seemingly merge with the existing dwelling as opposed to appearing as a subsequent adds on of contrasting design.
- 7.10. Taking into account the above, the proposed development is considered to accord with the design principles of Policy DMG1 and Key Statement EN2.

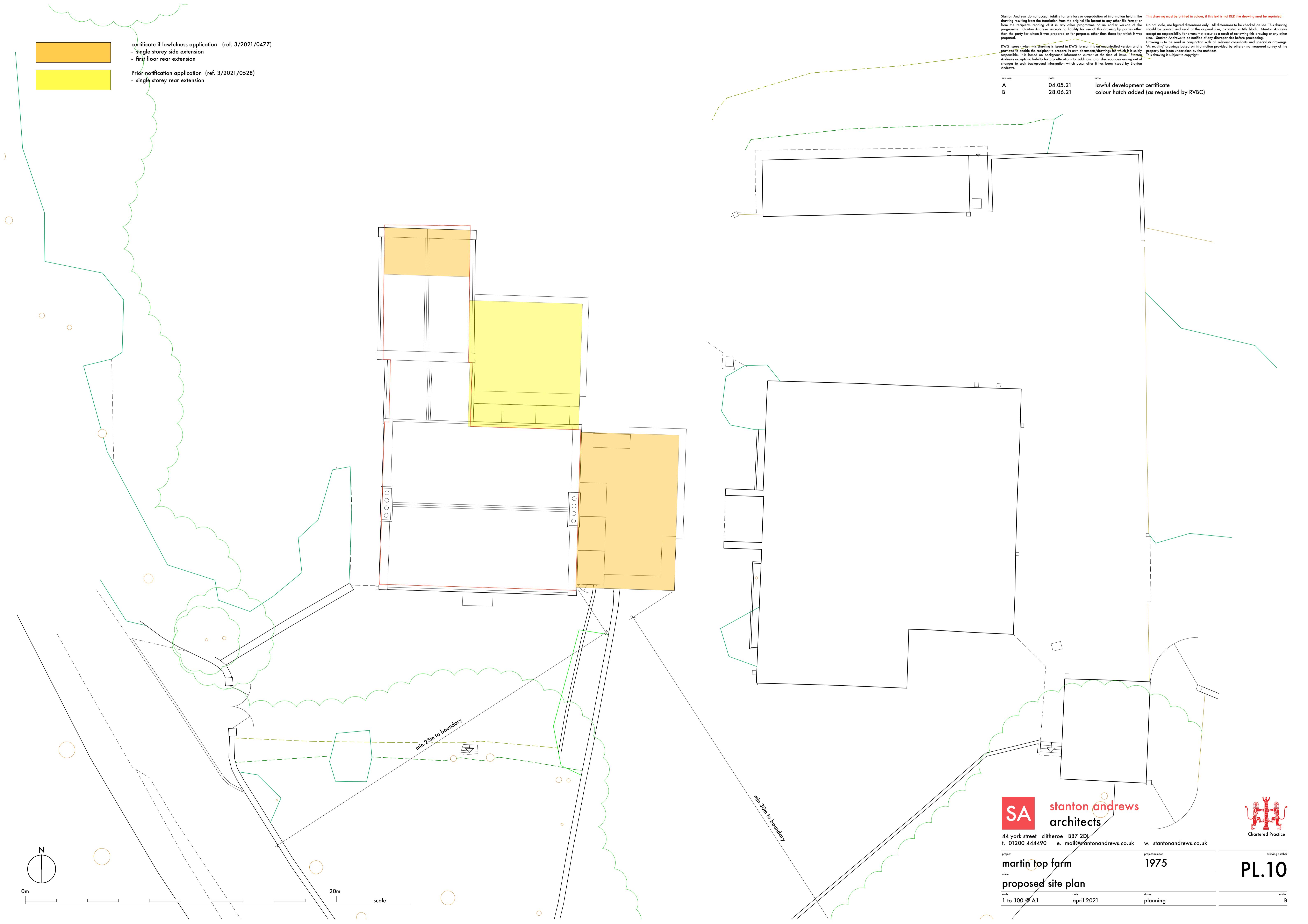
***Summary***

- 7.11. Overall, the proposed development is consistent with both the Development Plan and NPPF. The extension to the dwelling meets the tests set by the aforementioned policies within the Development Plan and is deemed an appropriate form of development within the open countryside. The works would allow the dwelling to meet the needs of the applicant but have also been designed in a manner which assimilates the additions into the existing dwelling successfully. The principle of the development can therefore be supported.

## /8 CONCLUSIONS

- 8.1. PWA Planning is retained by Mr. and Mrs. Gioserano to progress a householder planning application for the erection of a single storey side and rear extension, and two storey rear extension at Martin Top Farm, Martin Top Lane, Rimington, BB7 4EG.
- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a requirement upon Authorities when determining planning applications to do so in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 8.3. This statement has set out the planning policy relevant to the determination of the planning application and has assessed the proposed development in this context. The statement discusses the planning policy context, and it is concluded that the proposed development is in overall compliance with the relevant policies of the Development Plan.
- 8.4. The scheme is supported by the necessary technical reports and other evidence which clearly demonstrate that there would be no harmful impacts resulting from the proposed development and hence no reason that planning permission ought not to be granted.
- 8.5. For the reasons identified within this statement, it is considered that detailed planning permission for the development should be granted and the application is commended to the authority.

## APPENDIX A



Class A - enlargement, improvement or alteration

A1 Development is not permitted by Class A if:-

- a. permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of class M,N,P,PA or Q
- b. as a result of the works, the total area of the ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage.
- c. the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse
- d. the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.
- e. the enlarged part of the dwellinghouse would extend beyond a wall which:-
  - i. forms the principal elevation of the original dwellinghouse; or
  - ii. fronts a highway and forms a side elevation of the original dwellinghouse
  - f. the enlarged part of the dwellinghouse would have a single storey and :-
    - i. extend beyond the rear wall of the original dwelling by more than 4m in the case of a detached dwellinghouse ...
    - ii. exceed 4m in height
  - g. for a dwellinghouse not on article 2(3) land nor on a site of specific scientific interest, the enlarged part of the dwellinghouse would have a single storey and :-
    - i. extend beyond the rear wall of the original dwellinghouse by more than 8m in the case of a detached dwellinghouse ...
    - ii. exceed 4m in height
  - h. the enlarged part of the dwellinghouse would have more than a single storey and :-
    - i. extend beyond the rear wall of the original dwellinghouse by more than 3m, or
    - ii. be within 7m of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of the dwellinghouse.
  - i. the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3m.
  - j. the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:-
    - i. exceed 4m in height,
    - ii. have more than a single storey, or
    - have a width greater than half the width of the original dwellinghouse
  - ja. any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs e-j.
  - k. it would consist of or include :-
    - i. the construction or provision of a verandah, balcony or raised platform
    - ii. the installation, alteration or replacement of a microwave antenna
    - iii. the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
    - iv. alteration to any part of the roof of the dwellinghouse

A2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by class A if:-

- a. it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles
- b. the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse
- c. the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse; or
- ca. any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs b-c.

A3 Development is permitted by Class A to the following conditions :-

- a. materials used in any exterior work (other than materials used in the construction of a conservatory) shall be similar in appearance to those used in the construction of the exterior of the existing dwellinghouse.
- b. any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be :-
  - i. obscure-glazed, and
  - ii. non-opening unless the parts of the window can be opened are more than 1.7m above the floor of the room in which the window is installed.

General Issues of the guidance defines the following :-

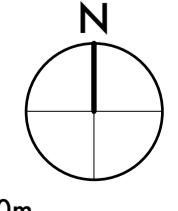
Existing - means a building as it existed immediately before the permitted development (for example a house extension) is undertaken. The existing house will include previous development to the house, whether undertaken as permitted development or as development resulting from a planning permission from the local authority.

Height - references to height (for example, the height of the eaves on a house extension) is the height measured to ground level. (note ground level is the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking. Where ground level is not uniform (for example, if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building).

Curtilage - is land which forms part and parcel with the house. Usually it is the area of land within which the house sits, or to which it is attached, such as a garden, but for some houses, especially in the case of properties with large grounds, it may be a smaller area.

Principal elevation - in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.

There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation.



0m 20m scale



certificate of lawfulness application

- single storey side extension (max. 1/2 width of original house)
- first floor rear extension (max. 3.0m deep)

Prior notification application

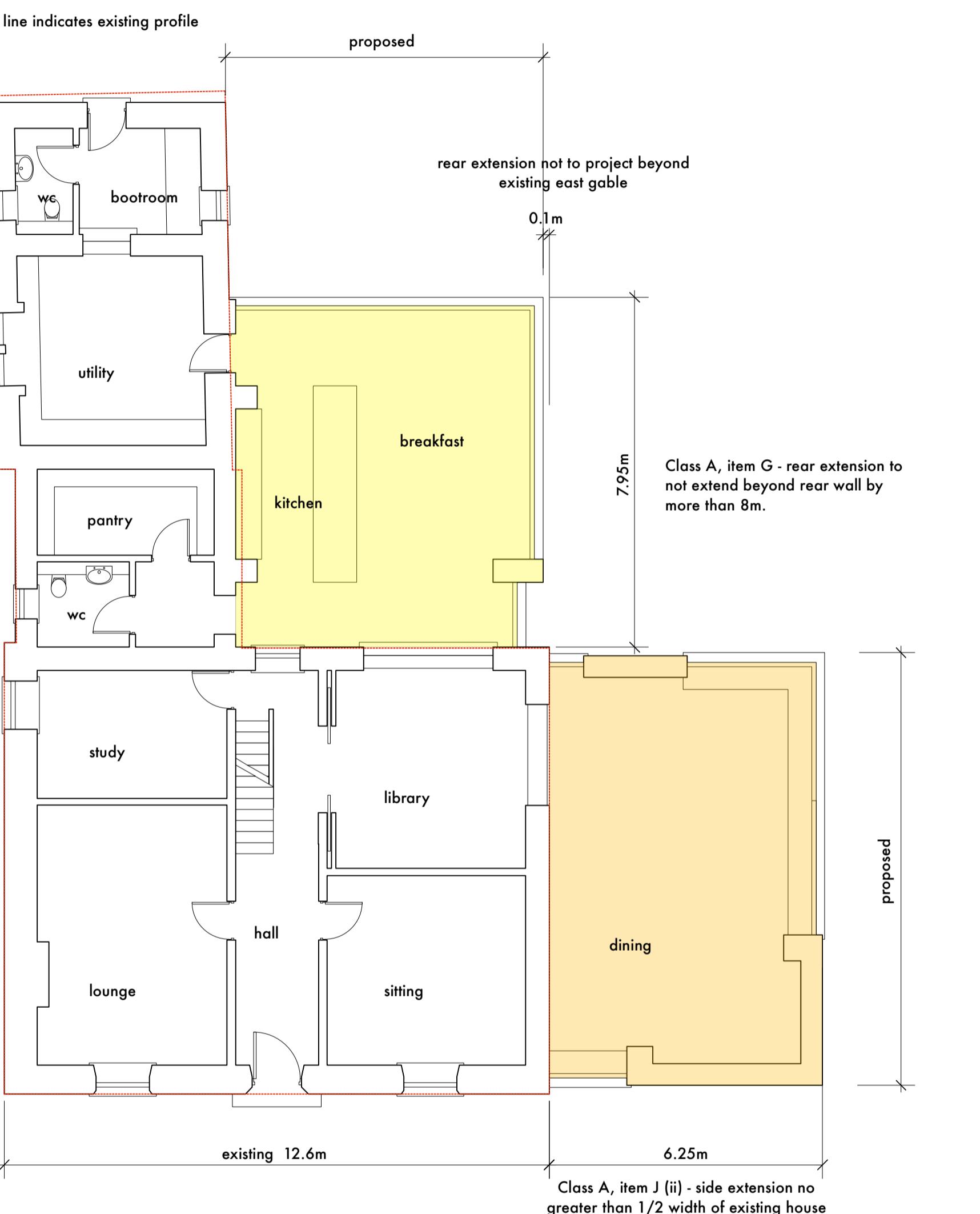
- single storey rear extension (max. 8.0m deep)

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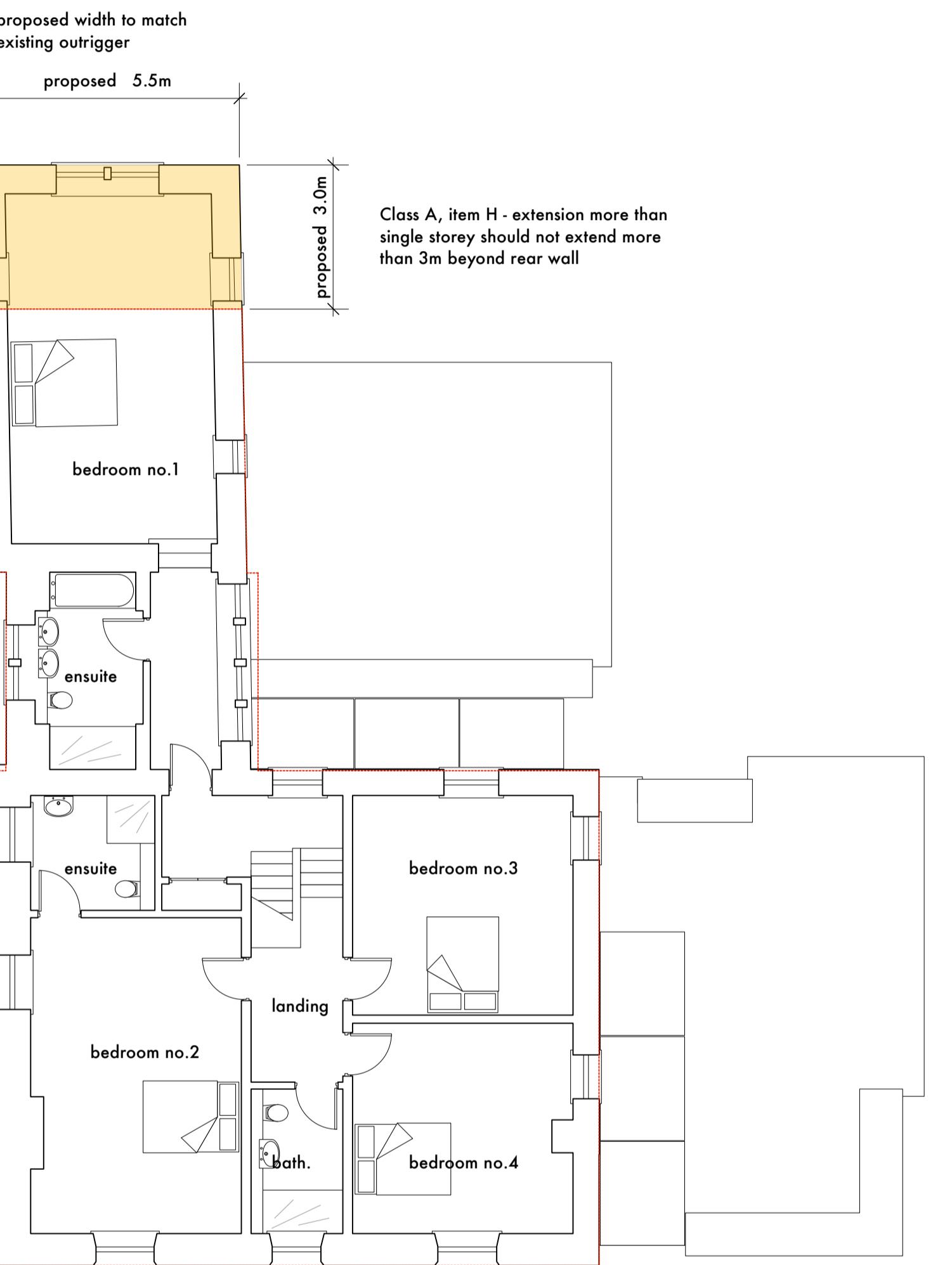
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revision A date august 2021 note application to RVBC

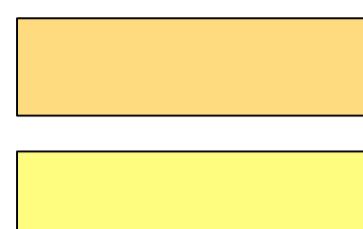


ground floor plan



first floor plan





certificate of lawfulness application  
- single storey side extension (max. 4.0m height)

Prior notification application  
- single storey rear extension (max 4.0m height)

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A august 2021 application to RVBC

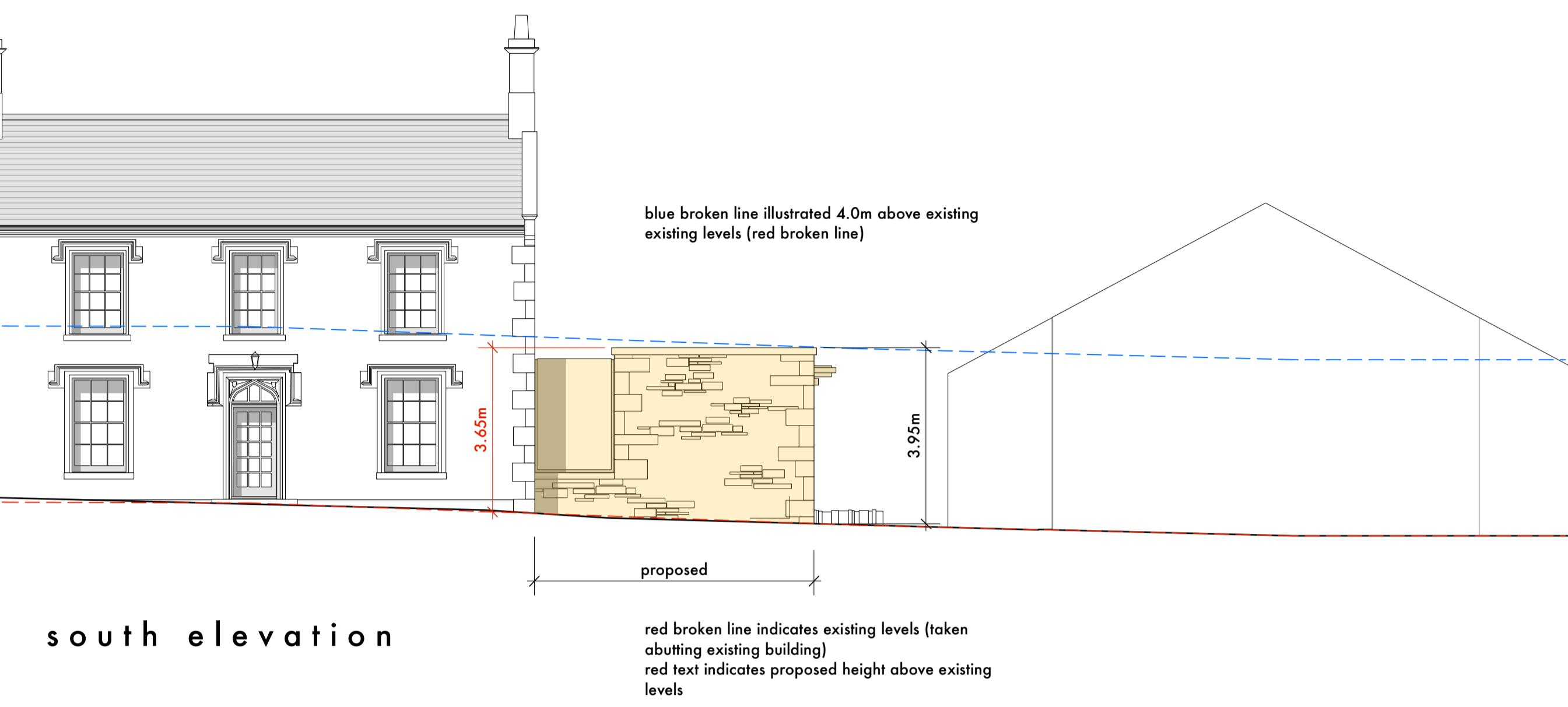
Class A, item J (i) - side extension not to exceed 4m in height.



east elevation

red broken line indicates existing levels (taken abutting existing building)  
red text indicates proposed height above existing levels

broken line indicates existing profile



south elevation

blue broken line illustrated 4.0m above existing existing levels (red broken line)

red broken line indicates existing levels (taken abutting existing building)  
red text indicates proposed height above existing levels

'Permitted development rights for householders' technical guidance defines 'height' as :-  
'references to height (for example, the height of the eaves on a house extension) is the height measured to ground level. (note, ground level is the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking. Where ground level is not uniform (for example, if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building).



north elevation

Class A, item G (ii) - rear extension not to exceed 4m in height.

red broken line indicates existing levels (taken abutting existing building)  
red text indicates proposed height above existing levels

broken line indicates existing profile



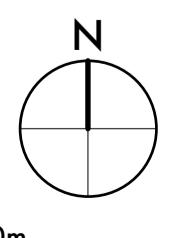
west elevation

Class A, item H - extension more than single storey should not extend more than 3m beyond rear wall

#### MATERIALS SCHEDULE

proposed materials fully in accordance with permitted development class A3 item A

'materials used in any exterior work (other than materials used in the construction of a conservatory) shall be similar in appearance to those used in the construction of the exterior of the existing dwellinghouse'.



0m

20m

scale

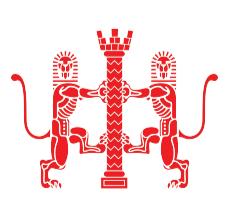
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project martin top farm project number 1975

name proposed elevations

scale 1 to 100 @ A1 date august 2021 status planning



PL.17



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