

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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APPEAL STATEMENT

TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/22/3304870
LPA Application Reference:	3/2022/0436

Appeal by Mr Tom Procter
Against the refusal by
Ribble Valley Borough Council to grant planning permission for:

Prior notification application for the proposed conversion/redevelopment of two agricultural buildings into two dwellings

Land adjacent to Miles Hill Moor Lane Billington BB7 9JH

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

1. Introduction

1.1 This appeal is against the decision of Ribble Valley Borough Council to refuse planning permission for a prior notification application for the proposed conversion/redevelopment of two agricultural buildings into two dwellinghouses at Land adjacent to Miles Hill, Moor Lane, Billington.

1.2 The application was refused under delegated powers on the 23rd June 2022 for the following reasons:

1. The proposed development would result in residential properties in an isolated location with poor transport links resulting in an impractical and undesirable C3 use contrary to the criteria set out in Schedule 2 Part 3 Class Q 2 (e) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

2. Insufficient evidence had been submitted to assess the potential impact of the development on protected species, including bats. In the absence of such information therefore, the likelihood that the proposed works will cause disturbance to bats result in the loss of a bat roost or cause injury or death to bats and other wildlife within or adjacent to the site cannot be determined and the proposed works would fail to satisfy the requirements of Para W of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

3. The proposed developments would result in a poor quality, cramped form of development inappropriate design for residential use contrary to the criteria set out in Schedule 2 Part 3 Class Q 2 (f) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

2. Appeal Site and Surrounding Context

- 2.1 The appeal relates to a parcel of agricultural land accessed off Moor Lane within land designated as Green Belt.
- 2.2 The site lies more than a mile from the nearest settlement of Langho.
- 2.3 There is an existing vehicular access from Moor Lane into the site which is a single-track road. Public Footpath 3-6-FP 46 runs through the site from Moor Lane to the north to Shawcliffe Lane to the southeast.
- 2.4 The surrounding area is rural in character with agricultural buildings and associated farmhouse properties sporadically sited along Moor Lane. The access track is long and narrow and rising up a steep hillside with limited passing places and poor surfaces. The access to the site is over 1.2 miles from its junction with Whalley Road to Moor Lane to the northeast and over one mile from junction with Whalley Old Road to the west.

3. Proposed Development

- 3.1 Consent is sought under the Town and Country Planning Act General Permitted Development Order 2021 Class Q with changes proposed to the design, materials and fenestration.
- 3.2 The proposal meets the technical criteria in which development can be assessed under Class Q.

4. Relevant Planning History

- 4.1 **3/2007/0657:**
Proposed agricultural building – calf rearing unit – Approved.
- 4.2 **3/2006/0126:**
Proposed agricultural building to provide winter housing for cattle – resubmission- Approved.

5. Relevant Planning Policy & Guidance

- 5.1 The planning policy context for the appeal site is set out at a national level by the National Planning Policy Framework (NPPF) and at a local level by the Ribble Valley Core Strategy (Adopted 16th December 2014).

6. National Policy Context

- 6.1 The National Planning Policy Framework (July 2021) provides the most up to date national planning policy context for the determination of the appeal and is therefore a material consideration in planning decisions.
- 6.2 The NPPF (Para.2) reaffirms that the planning system is plan-led, and that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be considered in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

7 Case for the Local Planning Authority

- 7.1 The main issues for this appeal relate to the unsustainable location, design and external appearance and potential impact on ecology.
- 7.2 The appeal sites over a mile from the nearest settlement of Langho on part of Billington Moor. There is limited built form along the access road and less is seen within the visible context of the site which is not within a cluster of existing buildings and therefore would be considered as an isolated form of development. The nearest property on the same site is Nab Top Farm sited 550m to the northeast and consists of a farmhouse and associated agricultural building. On the opposite side of the track is Miles Hill 200m to the east which is a detached residential property.
- 7.3 Whilst it is accepted that the site can accommodate an adequate level of parking provision, the proposed dwellings would rely entirely upon the use of private motor vehicles with over a mile in either direction until the public highway. The adjacent public footpath is on a steep incline and a distance of 460m to Whalley Old Road making this unsuitable for use in inclement

weather and for assessing essential facilities such as shopping, health services and education facilities.

- 7.4 Taking into account the changes in design and materials with the introduction of numerous large, glazed elements and rooflights this scheme has the appearance of 'retro-fitting' a residential use into buildings not designed for such a use.
- 7.5 The site area beyond the built form is limited and the distances between the two buildings is closer than would usually be acceptable, with limited curtilage for each dwelling the proposal would represent a cramped form of development.
- 7.6 The existing modern steel framed buildings have a functional agricultural purpose and do not represent high quality design. Whilst a modern design is not necessarily unacceptable in this case the design would create an incongruous feature in this rural location. Therefore, the proposed development is not acceptable in terms of design and materials in this location.
- 7.7 Bats are a protected species under the Wildlife and Countryside Act 1981 and the Conservation Habitats and Species Regulations 2010 and it essential that their presence or otherwise and extent to which they might be affected by the proposed development is established prior to any permission being granted in order that all material considerations have been fully considered.
- 7.8 In this case no ecology report has been submitted and therefore the present of bats and potential impact has failed to be properly assessed. There is also the potential for other wildlife to be present on the site and again this has failed to be adequately assessed. Paragraph W of the GDPO requires the developer to provide sufficient information to allow for the proposal to be adequately assessed and this case has failed to do so.

8 Comments on Appellants Statement of Case

- 8.1 The appellant within their supporting appeal statement has not addressed the three reasons for refusal. Indeed for reason two ecology they suggest that there is no substance to the requirement to provide an ecology survey even though this is a material consideration and concerns have been raised by Lancashire Badger Group. For reason three they refer to the submitted design brief which is titled architectural design statement and consists of two pages of text and six photos of the existing site. The section titled conversion is limited to the

methodology of how the conversion would be achieved with limited architectural input and contextual consideration for the location.

- 8.2 The submitted site context plan clearly shows the site in relation to existing built form and supports the view of the LPA that the site is isolated in terms of its location.

9. Conclusion

- 9.1 Taking into account the above matters it is considered that the proposal does not meet the requirements of Class Q.
- 9.2 The appeal proposals, by virtue of their isolated location would result development solely reliant on the private motor vehicle, resulting in an isolated form of development over one mile from the nearest settlement.
- 9.3 The appeal proposals fail to adequately consider the presence of protected species on or adjacent to the site.
- 9.4 The appeal proposals, by virtue of their design and materials would result in an adverse visual impact and incongruous form of development which fails to reflect or acknowledge the special qualities of the area or contribute or enhance its setting, being of significant detriment of the character, appearance and visual amenities of the area.
- 9.5 The appellant has stated that the site is accessed from a classified road. It is not. Moor Lane is unclassified for its entire length from Whalley Road to Whalley Old Road.
- 9.6 As such, and for the reasons outlined above, whilst having regard to all material matters raised, that the Inspector is respectfully requested to dismiss the appeal.

If the Inspector is minded to allow the appeal then the following conditions are suggested:

- 1) The development must be begun before the expiration of three years from the date of this permission.

Reason: To confirm with Class Q Part 2 of Schedule 2 of the Town and Country Planning (England) (General permitted Development) Order 2015.

- 2) 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 1:1250
Existing Site Plan PHA/680 100
Proposed Site Plan PHA/680 200
Proposed Plot 1 PHA/680 300
Proposed Plot 2 PHA/680 400

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

- 3) Notwithstanding the submitted details, precise specifications or samples of external facing and roofing materials, windows and doors shall have been approved before their use in the proposed development. The materials shall be implemented within the development in strict accordance with the approved details submitted to and approved by the Local Planning Authority

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

- 4) The development hereby permitted shall not be commenced until details of the hard and soft landscaping of the site, including the retention of existing trees and hedges, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all boundary fencing and screening.

All trees and hedgerows identified to be retained within influencing distance of the development will be adequately protected during construction, in accordance with BS5837; 2012 'Trees in relation to design, demolition and construction' equivalent unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the development.

The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

Reason: To ensure the proposal is satisfactorily landscaped and appropriate to the locality.

- 5) No external lighting shall be installed on site unless details of such lighting has been submitted to and approved in writing by, the Local Planning Authority the details of which shall include the location, intensity of lighting, type of application and direction.

The details shall include the light mitigation measures designed to reduce the impact of artificial lighting on protected species/species of conservation concern identified and/or other named species.

Reason: In order to reduce the harmful impact of artificial lighting on the natural foraging/roosting/nesting behaviour of a protected/species of conservation concern and in the interests of the visual amenities of the area.

- 6) The car parking areas shown on the approved site plan PHA/680 200 shall be surfaces and made available for use before the first occupation for the building and shall thereafter be retained for that purpose thereafter.

Reason: To ensure adequate parking is available within the site.

- 7) The curtilage of each dwelling hereby approved shall be as indicated on approved site plan PHA/680 200 and must not be extended beyond that area.

Reason: To ensure the proposal accords with the provisions of the Town and Country Planning (England) (General Permitted Development) Order 2015 and to enable the Local Planning Authority to limit the extent of development within the Green Belt.

- 8) Any removal of vegetation including trees and hedges shall be undertaken outside the nesting bird season [March - August inclusive].

Any removal of vegetation out with the nesting bird season shall be preceded by a preclearance check by a licensed ecologist on the day of removal.

Reason: To ensure that there are no adverse effects on the favourable conservation status of birds.

- 9) Prior to any development on site details of provisions to be made for species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites as well as measures to prevent species from entering the site, have been submitted to, and approved in writing by the Local Planning Authority.

The details shall be submitted on a site plan and include details of the numbers of artificial bird nesting boxes and artificial bat roosting sites to be provided on trees within the site and measures to prevent conservation species entering the site once work has commenced.

The artificial bird/bat boxes shall be provided before the development is first brought into use and retained as such thereafter.

Reason: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species.