

Planning Supporting Statement



Trevor Hobday MRTPI

Resubmission of a Retrospective application
for change of use of land from agricultural
use to form part of residential curtilage.

Land adjacent to 5 Hawthorn Close, Langho.
BB6 8DZ

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This statement is made in support of a retrospective planning application for the change of use of land formerly part of an agricultural holding to residential curtilage; land adjacent to 5 Hawthorn Close, Langho. BB6 8DZ

1 Site Location

1.1 The appeal site comprises a detached dwelling at the head of Hawthorn Close, a cul-de-sac. The land to the south was originally part of an agricultural unit; the applicant purchased the area edged red and identified as area A on the concept plan in 2014 and has used it as part of residential curtilage continually since that time.

1.2 The site sits within the Green Belt as identified in the adopted Core Strategy.

2 Planning History/Background

2.1 On 15 September 2021, the applicant submitted a planning application for the erection of a single storey granny annex on the site identified as A on the submitted plan. Under reference 3/2021/0867 consent was refused on 4 November 2021. On 5th November 2021, the applicant received a letter from the Council's planning enforcement officer indicating that a "confidential" complaint had been received alleging that a breach of planning control has occurred at the site. The enforcement officer has met the applicant on site, it is understood that at the meeting, the applicant drew attention to the fact that there appeared to be a number of "unauthorised" curtilage extensions (as demonstrated on the concept plan now submitted). In early December a "zoom" conference with Trevor Hobday MRTPI took place

2.2 An application, 3/2022/0049, was submitted to the planning authority on 21 January to regularise the unauthorised change of use. On 8 March 2022 planning consent was refused.

2.3 The applicant, through his consultant, began to prepare an appeal. However, during that process, a significant and material amount of fresh evidence came to light that had not been initially presented to the planning authority for consideration in the determination of application 3/2022/0049. This resubmission now contains all of this additional information. Further, the applicant has also provided a very detailed personal statement that forms a part of this submission and is considered to amount to **"very special circumstances"** in terms of current national and local planning policy for development in Green Belt locations.

2.4 The planning authority's attention is specifically drawn to the submitted plan titled **"context map with relevant land use notations"** the plan is PHA/702, dwg 100. It will be noted in the legend on the plan, the notations with regard to the A-G inclusive. These list the land use changes with the benefit of planning consents within this part of the green belt. They are a material and relevant consideration in the determination of the current application.

2.5 In the interests of clarity, the applicant's statement together with those documents in support thereof, , are stand-alone documents and the contents thereof are not replicated in this planning supporting statement.

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3 The Development Plan

- 3.1 In preparing this supporting 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 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:

The Core Strategy

Key Statement DS2: Presumption in favour of sustainable Development

Key Statement EN1: Green Belt

Development Strategy

Policy DMG1: General Considerations

Policy DMH5: residential and curtilage extensions.

National Planning Policy Framework (NPPF)

Chapter 2 achieving sustainable development

Chapter 11 Making effective use of land

Chapter 12 achieving well designed places

Chapter 13 Protecting Green Belt

Chapter 15 Conserving and enhancing the natural environment

4 Background

- 4.1 Section 2 above gives a clear indication of the background to the application and no doubt the planning authority will satisfy themselves with regard to the integrity of the application by discussing the contents therein with the previous case officer (application 3/2021/0867) and the planning enforcement officer. Trevor Hobday MRTPI has been advised by the applicant that there are no grounds for making a LDC application in this instance.
- 4.2 The applicant advises that he purchased the area of land the subject of the applicant approximately 8 years ago. As he understands it, land was also offered to others at around the same time but he has no definitive evidence in this regard. The submitted context plan drawn up following a detailed site survey would appear to indicate that there has been encroachment into the green belt at some stage though it is not clear as to whether this is lawful or not.

5 The Case and the Planning Balance

- 5.1 It is respectfully submitted that there is a single issue for consideration in this application:

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- Whether the proposed inclusion of a comparatively small area of green belt land within existing residential curtilage can be considered as having a significant and material effect upon the “openness” of the Green Belt in this particular location so as to render it inappropriate and harmful to the purposes of the Green Belt;

Inappropriate development within the Green Belt

National Planning Policy Framework (the Framework)

- 5.2 Paragraph 134 of the Framework relates to the 5 purposes that the Green Belt serves. It is respectfully submitted that the appeal proposal has no adverse impact whatsoever upon any of these purposes.
- 5.3 Paragraph 145 of the Framework states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

C-the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

Whilst the proposal does not technically fall within section C of paragraph 145 of the Framework, reference is made hereto because there are some buildings thereon in the form of a garden sheds. The applicant advises that he is prepared to remove the structures and keep the area of curtilage free from any structures, a matter that can be controlled by planning condition. In terms of the curtilage extension, it is considered proportionate in terms of scale and footprint relative to the overall size of the host dwelling and its curtilage. The extended area of land now included in residential curtilage amounts to 550sqm.

- 5.4 This proposal does not relate to any existing buildings on the extended curtilage; the applicant has already indicated elsewhere that he will accept a condition that requires removal of the existing garden shed/buildings; a further condition can be imposed that removed permitted development rights.
- 5.5 It is respectfully submitted that the appeal proposal is entirely in accordance with the aims and objectives of paragraph 145 of the Framework

Ribble Valley Core Strategy-Policy EN1-Green Belt

- 5.6 Key Statement Policy EN1 states that the overall extent of the green belt will be maintained to safeguard the surrounding countryside from inappropriate encroachment. The development of new buildings will be limited to the purposes of agriculture, forestry, essential outdoor sport and recreation, cemeteries and other uses of land which preserve the openness of the green belt and which do not conflict with the purposes of the designation.
- 5.7 Nowhere in the Core Strategy are there any specific policies or supplementary guidance that specifically relate to the fact that there are exceptions to green belt policy as proposed in this application and what criterion is used to assess whether or not the proposal is proportionate in terms of increased curtilage. There is, of course, a very specific planning

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policy that relates to the acceptability of extending residential curtilage into open land. The principle of the development would appear to be acceptable in land use term therefore.

- 5.8 It is respectfully submitted that the appeal proposal is entirely in accord with policy and key statement EN1 of the Ribble Valley adopted Core Strategy.

Development Plan Core Strategy

Core Strategy Policy DMH5

- 5.9 This policy relates to extensions to residential and curtilage extensions. More specifically, insofar as is relevant to this proposal, the policy states that: the development must be capable of integration into the main dwelling/curtilage.
- 5.10 The submitted plans very clearly demonstrate that the requirements of this policy are met; further, it must be the case that the planning authority needs to satisfy itself that there has been no breach of planning control insofar as it would relate to any possible curtilage incursions into the green belt associated with any other property along Hawthorn Close.
- 5.11 When undertaking the site visit, the planning authority is asked to assess the relevance of the fact it would appear to be the case that adjoining properties have undertaken possible extended curtilages in the past few years. The submitted concept plan gives a clear indication as to the integrity of this statement and that it is surely incumbent upon the planning authority to investigate whether or not there has been any such breach.

6 Planning Conditions

- 6.1 In the light of the personal statement made by the applicant and the supporting documents submitted therewith, it is respectfully submitted that the imposition of any restrictive conditions would effectively make the land use untenable. In any event, it is submitted that the “very special circumstances” put forward in the statement from the applicant, outweigh any perceived harm that may be caused to the “openness” of the green belt in this specific instance.

7 Conclusions

- 7.1 The proposal relates to the resubmission of a retrospective application for the reconfiguration of the existing curtilage as described in details elsewhere in this statement. The site lies within the Green Belt.
- 7.2 The scale, form and massing of the development is proportionate; further, it is considered that the proposal has no adverse impact upon the essential quality of the Green Belt, its openness; it is not harmful or inappropriate. The proposal does not affect the integrity of the Green Belt or the national and local planning policies that seek to safeguard it from inappropriate development.
- 7.3 It is submitted that the personal statement made by the applicant, together with those relevant and supporting documents submitted therewith are sufficient to amount to “very

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special circumstances” that justify an exception, in this specific instance, to Green Belt policy.

- 7.3 The proposal complies with the overall development strategy set out in the Core Strategy and also accords with the provisions of the National Planning Policy Framework.
- 7.4 It is respectfully requested that the appeal is allowed and planning permission granted in accordance with the submitted detail.

Trevor Hobday MRTPI

May 2022