

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:		Date:		Manager:		Date:	
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Application Ref:	3/2022/0506	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	
Officer:	SK	
DELEGATED ITEM FILE REPORT:		REFUSAL

Development Description:	Regularisation of unauthorised change of use of agricultural land to residential curtilage.
Site Address/Location:	5 Hawthorn Close Langho BB6 8DZ

CONSULTATIONS:	Parish/Town Council
<p>The Parish Council has offered the following observations:</p> <p><i>This application is in the Green Belt near the top of the fell. Having read the Planning Statement in the application, can the parish council request the planners approve a change of use to a garden, but to protect the Green Belt by taking up the applicant's offer to accept planning conditions as follows:</i></p> <ul style="list-style-type: none">• <i>No structures to be allowed on the site including garden sheds.</i>• <i>Any permitted development rights to be removed.</i>	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	
No representations have been received in respect of the proposed development.	
CONSULTATIONS:	Additional Representations.
No representations received in respect of the application.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:
<p>Ribble Valley Core Strategy:</p> <p>Key Statement EN1: Green Belt</p> <p>Policy DMG1: General Considerations Policy DMG2: Strategic Considerations Policy DMH5: Residential and Curtilage Extensions Policy DME1: Protecting Trees & Woodland Policy DME2: Landscape & Townscape Protection</p> <p>National Planning Policy Framework (NPPF)</p>
<p>Relevant Planning History:</p> <p>3/2022/0049: Regularisation of unauthorised change of use of agricultural land to residential curtilage. (Refused)</p>

3/2021/0886:

Application to determine whether it would be lawful to site a mobile home on adjacent land to be used as annex accommodation. (Refused)

3/2021/0867:

Proposed erection of a timber single storey granny annex for ancillary use to the main dwelling. (Refused)

ASSESSMENT OF PROPOSED DEVELOPMENT:**Site Description and Surrounding Area:**

The application relates to a 550sqm area of land directly to the south of number 5 Hawthorn Close, Langho. The site to which the application relates lies within the defined Green Belt. The area of land adjoins a small cluster of residential built-form that lies outside of and fails to adjoin the defined settlement of Langho. The area is semi-rural in character save that for the dwellings located to the north.

Proposed Development for which consent is sought:

Retrospective consent is sought for an existing unlawful extended residential curtilage associated with number 5 Hawthorn Close, Langho. The land to which the application relates is located to the south of the dwelling and garden-area associated with Number 5 encroaching into land that benefits from a Green Belt designation.

The application is a resubmission of a previously refused application (3/2022/0049) however the applicant has provided additional supporting information in support of the application, that by virtue of its content, is considered exempt information.

Principle of Development:

The application seeks consent to regularise an unlawful extension to an existing residential curtilage associated with number 5 Hawthorn Close, Langho. The area of land to which the application relates is located within the defined Green Belt, also being located approximately 400m outside of and to the south of the defined settlement limits of Langho.

Given the application seeks retrospective consent for the the extension of an existing residential curtilage, into adjacent agricultural land, Policy DMH5 is engaged for the purposes of determining the application. In this respect, Policy DMH5 reads as follows:

Proposals to extend or alter existing residential properties must accord with Policy DMG1 and any relevant designations within which the site is located. Proposals that are for the extension of properties to provide accommodation for elderly or dependant relatives will also be subject to the following criteria:

- 1. The development must be capable of integration into the main dwelling or a use that is ancillary to the use of the main dwelling housing when circumstances change.*
- 2. The extension should generally speaking provide only a modest level of accommodation.*

Proposals for the extension of curtilage will be approved if:

- 1. The site is within a settlement, or,*
- 2. The site is on the edge of a settlement providing:*

- *The new curtilage boundary follows an easily identifiable feature such as a road, stream or hedgerow, or brings the boundary into line with existing adjacent properties.*
- *The extension will not cause visual harm to the landscape.*
- *The extension improves the visual quality of the site.*

Any existing nature conservation aspects of the existing structure should be properly surveyed and where judged to be significant preserved or, if this is not possible, then any loss adequately mitigated. Proposals to extend a curtilage in other circumstances will not be approved other than where it will support the health of the local economy or for highway safety reasons.

Taking account of the above, it is clear that Policy DMH5 contains explicit criterion which must be met to allow for support to be afforded to such proposals. Given the application site is neither within a defined settlement nor does it benefit from an 'edge of settlement' location, neither criterion 1 or 2 (curtilage) can be engaged to lend support to the proposal.

Notwithstanding the above matter, whilst criterion 2 cannot in principle, be met – for the purposes of completeness, consideration, in this case, has also given to the subsequent sub-criterion.

In respect of the sub-criterion, even if the land benefitted from an 'edge of settlement' location, the new curtilage fails to *'follow an easily identifiable feature such as a road, stream or hedgerow, or brings the boundary into line with existing adjacent properties'*, furthermore, should it be considered that the curtilage extension results in harm to the landscape, the support afforded by the proposal could not be engaged in any case.

Given the land in question lies within the defined Green Belt, Key statement EN1 is also engaged at a local-level, with paragraphs 147-150 of the National Planning Policy Framework being engaged at a national-level. Key Statement EN1 seeks to protect the designated landscape stating that *'the overall extents of the Green Belt will be maintained to safeguard the surrounding countryside from inappropriate encroachment'*.

In this respect, the proposal is considered to be in direct conflict with Key Statement EN1 in that the proposed extended residential curtilage is likely to result in a significant suburbanising effect upon the character of the Green Belt in this area, not only through the extension of the curtilage itself, but also associated domestic paraphernalia and as such is considered as 'inappropriate encroachment'.

The National Planning Policy Framework (NPPF) states that there is a general presumption against inappropriate development in the Green Belt and advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It further advises that development which is harmful to the Green Belt should only be permitted in The National Planning Policy Framework (NPPF) states that there is a general presumption against inappropriate development in the Green Belt and advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It further advises that development which is harmful to the Green Belt should only be permitted in 'very special circumstances' and that these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. and that these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Given the conflict with Key Statement EN1 identified above, in that the proposal will undermine the character and visual amenities of the designated Green Belt by virtue of a visually suburbanising effect, in the absence of any 'very special circumstances' that would outweigh this harm, the proposal is also considered to be in direct conflict with the aims and objectives of paragraphs 147 and 148 of

the framework.

Policy DMG1 also remains engaged insofar that the policy requires that proposals should not 'not adversely affect the amenities of the surrounding area', also stating that 'particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character'.

As such, given the conflicts and harm identified above, it is considered that the proposal would also be in direct conflict with the aims and provision of Policy DMG1 insofar that the extended residential curtilage would be of detriment to the designated Green Belt through the creation of an anomalous, discordant and incongruous residential incursion into the designated landscape which would result in a visual suburbanising effect on the character and visual amenities of the area.

It is noted that following the previous refusal the applicant has submitted supporting information of personal nature in support of the proposal to which the authority sympathises. However, the content and nature of this personal information would not be considered so significant or unique as to override or outweigh the harm identified above.

Impact Upon Residential Amenity:

No implications resultant from the proposal.

Observations/Consideration of Matters Raised/Conclusion:

It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal.

RECOMMENDATION:

That retrospective planning consent be refused for the following reason(s)

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The proposal would result in the introduction of an incongruous, anomalous, discordant and inappropriate encroachment into the defined Green Belt that would result in a visually suburbanising effect upon the landscape, being of detriment to the character and visual amenities of the area and designated landscape.

As such the proposal is considered to be in direct conflict with Key Statement EN1 and Policy DMG1 of the Ribble Valley Core Strategy and Paragraphs 147-148 of the National planning Policy Framework insofar that 'very special circumstances' have not been demonstrated that would outweigh the identified visual harm to the Green Belt resultant from the development.