



Appeal Decision

Site visit made on 24 August 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/T2350/W/22/3313432

Water Tank and Valve House off Vicarage Lane, Wilpshire BB1 9HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Turner against the decision of Ribble Valley Borough Council.
 - The application 3/2022/0619, dated 28 June 2022, was refused by notice dated 22 August 2022.
 - The development proposed is conversion of redundant water tower and valve house to create a single dwelling to include the creation of a short length of access track.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr John Turner, against Ribble Valley Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues in this case are:
 - Whether the existing buildings are appropriate for conversion and the effect of this on the character and appearance of the area of open countryside; and
 - Whether the appeal site it is a suitable and sustainable location for a new house.

Reasons

Policy on conversion of other buildings

4. The appeal site comprises a former water tower and valve house ('the buildings'), located in the corner of a field close to Vicarage Lane and adjacent to the railway line. It is proposed to convert these existing buildings to a single house over three floors with a new building linking the two. The site lies outside the settlement of Wilpshire, which is to the south, within open countryside.
5. Policy DMH4 of the Ribble Valley Borough Council Core Strategy 2008-2028 (2014) (CS) allows for the conversion of '*barns and other buildings*' to dwellings subject to meeting two sets of criteria: the first relating to the

- locational characteristics of the building and the effects of a conversion; and the second relating to the characteristics of the building itself. In respect of the first set of criteria (or first part of the policy), the Council alleges a conflict with criterion 1) and 3), namely the requirement that the building is not isolated in the landscape, and there would be no materially damaging effect on the landscape qualities of the area.
6. To the south-east of the appeal site is a group of houses which either directly front Vicarage Lane or are set back from it. This group of houses extends to the east side of the railway line accessed from a narrow bridge which forms part of a public bridleway. There are two broadly parallel public footpaths to the west of the appeal site and I observed that from these there is a visual connection between the buildings and the existing group of houses. From the railway bridge, the rear of houses on Durham Road within the settlement of Wilpshire can also be seen. I do not therefore find the buildings on the appeal site to be isolated in the landscape; they are physically close to and visually connected with existing development.
 7. The appeal site is located further north than any of the existing houses which front Vicarage Lane. The gardens of those houses provide a transition to the countryside beyond, which qualities lie principally in its semi-rural and agricultural character with open fields and traditional field boundaries.
 8. The appeal site would be accessed from an existing agricultural track that runs north-west from Vicarage Lane (between two existing houses) and then turns at a right angle along a field boundary. The existing track terminates at a field gate and a new access is proposed from this point. It would run south-east alongside an existing fence line and public footpath, across the northern boundary of the appeal site and would terminate in the turning and car parking area for the proposed house. Although access to the house would be on the eastern elevation, the effect of this is to concentrate vehicle movements, car parking and hardstanding in the north-east corner of the site (so away from Vicarage Lane).
 9. I observed that the northern boundary of the appeal site is currently open, delineated only by a stock fence and consequently the proposed access and car parking would be very visible, particularly from the adjoining footpath. I have been provided with no details in respect of the proposed surfacing of the track and the turning area, or the new boundary treatment (if any), but I nonetheless find the proposed access would appear discordant and have a suburbanising effect on the landscape.
 10. The existing buildings clearly form part of the landscape character of the area and have done for many years. Despite some disrepair (notably to the roof of the valve house which is missing), they are likely to remain a feature of the landscape for the foreseeable future. The water tower, although around 8m in height, has no existing openings and its exposed shuttered concrete construction (which appears painted in places) recedes in the landscape against the backdrop of mature trees and shrubs on the western boundary of the appeal site. It is proposed to render the water tower and insert 15no. windows of varying sizes over three floors. Whilst I accept that the colour selection of the render could assist in assimilating the converted water tower within the landscape, the inclusion of the openings and their associated glazing would substantively alter the appearance of the building. It would no longer appear a

functional, utilitarian building that does not particularly draw the eye. Rather, it would appear unduly prominent in the landscape, particularly when viewed from the public footpath along the western boundary.

11. The valve house is a single-storey brick building less than 3m in height, situated around 4m from the water tower. It would be linked to the water tower by a new 'link building' also constructed in brick but with large areas of powder coated aluminium windows and doors, providing an entrance to the house, and a glazed roof. Given its low profile, I do not find this element of the proposal, in itself, would cause harm to the character and visual amenities of the open countryside.
12. I also note that the boundary of the appeal site is tightly drawn to minimise the residential curtilage and that the proposed conversion would regenerate the buildings, which have evidently suffered from some vandalism and disrepair. However, the combination of the proposed access track (in terms of its location) and alterations to the water tank would result in a house that presents itself to the open countryside, rather than providing any form of transition as with other houses off Vicarage Lane. Consequently, it would be unduly prominent and would appear anomalous in its surroundings, causing material harm to the semi-rural and agricultural qualities of the landscape I describe above.
13. The Council alleges further conflict with criterion 3) and 4) of the second part of CS Policy DMH4. The aim of CS Policy DMH4 is to re-use and preserve existing rural buildings where they contribute to an areas character and setting. As described above, both the water tower and valve building are functional in their design, and utilitarian in appearance. Whilst they have assimilated within and recessed into the landscape, they make no meaningful or particularly positive contribution to their landscape setting or surroundings. Nor do I find them to be of any particular architectural or intrinsic value. Consequently, the conversion of the buildings would neither meet the aim of the Policy or criterion 3) of part 2.
14. Criterion 4) is that '*the building has a genuine history of use for agriculture or another rural enterprise.*' The appellant's case is that the buildings fully conform to the requirements of the second part of the policy, but no evidence has been provided of a genuine history of agricultural or rural enterprise use. The only evidence I have before me to the original use of the buildings is that they were constructed in the early part of the C20th to provide a water supply to a local hospital which no longer exists. This is clearly not a use envisaged by Criterion 4).
15. Therefore, for the reasons given above, I conclude that the proposed conversion of the buildings would conflict with criterion 3) of part 1 and criterion 3) and 4) of part 2 of CS Policy DMH4. It would further conflict with CS Policy DMG1 and DMG2 and paragraph 130 of the National Planning Policy Framework (the Framework) which together require development to place emphasis on, and be sympathetic to, landscape character and setting.

Whether a suitable and sustainable location?

16. CS Policies DS1 and DMG2 direct development, including new housing, to the Principal Settlements and Tier 1 Villages in the Borough (as identified in the policies). The appeal site is outside the settlement area of Wilpshire, a Tier 1

Village, in open countryside. In such areas, CS Policy DMG2 requires development to meet at least one of six considerations. I accept that the proposed development is small scale and that there are inherent benefits in re-using existing buildings, where appropriate to do so. However, I have no substantive evidence before me that there is a local need or benefit associated with the proposal that would justify a new house in the open countryside, or that any of the other considerations set out in CS Policy DMG2 are met. For the reasons already given above, the proposal would conflict with CS Policy DMG2 in so far as it requires development in the open countryside to be in keeping with the character of the landscape.

17. There are no facilities and services in the immediate area, but the appeal site is not particularly remote located to the north of the settlement of Wilpshire. The principal access to Wilpshire from the appeal site would be via Vicarage Lane which is a private, largely unmade lane, but there is also a footpath that runs north-south alongside the railway. Given the distance and nature of the routes, I consider that it is unlikely that walking or cycling would be chosen as a regular alternative to private vehicles. I am, however, mindful of the guidance at paragraph 105 of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. In that the location of the appeal site does provide opportunity to access Wilpshire other than by the private car, and has some access by foot and cycle, there would be no strong conflict with CS Policy DM12 or DMG3.

Other Matter

18. The appellant has referred me to a previous appeal decision dated 26 August 1998 (T/APP/T2350/A/98/295099/P2) which allowed the conversion of the buildings on the appeal site to create a single dwelling. I have not been provided with any further details regarding the proposals for the conversion, but I note that the appellant's evidence relies on some of the conclusions made by the Inspector at that time, and describes it as 'very similar' to the proposal now before me. On the face of that appeal decision there are, however, two key differences.
19. First, the decision pre-dates the adoption of the CS and notably CS Policy DMH4. I do not have the text of those policies of the Ribble Valley District Wide Local Plan referred to in the appeal decision and as such have no reason to dispute the Council's evidence that there is now a 'differing' policy context. Secondly, the conversion did not include the access track now proposed, with parking described in the decision as 'close to the access from Vicarage Lane' and 'only a footpath access to the dwelling itself.' Whilst I have had regard to it, because the proposals are materially different and assessed against different policies, I do not find the 1998 appeal decision to be determinative in this case. I have therefore assessed the appeal on its merits and the evidence before me.

Conclusion

20. Notwithstanding my conclusion in respect of the site being accessible by means other than the private car, for the reasons given above, I conclude that the appeal site and proposed conversion of the buildings would not be suitable for a new house. The appeal is therefore dismissed.

R Jones

INSPECTOR