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APPEAL STATEMENT

**IN RESPECT OF AN APPEAL AGAINST THE
DECISION OF RIBBLE VALLEY BOROUGH
COUNCIL TO REFUSE PLANNING PERMISSION
FOR THE PROPOSED CONVERSION OF A
REDUNDANT WATER TOWER AND VALVE
HOUSE INTO A PRIVATE DWELLING
(REFERENCE 2022/0619)**

on

LAND OFF VICARAGE LANE, WILPSHIRE

FOR AND ON BEHALF OF:

**MR J TURNER
DEWHURST FARM
LONGSIGHT ROAD
LANGHO
BLACKBURN
BB6 8AD**

Prepared by: G Hoerty BSc (Hons) MRICS FAAV
Our Client: Mr J Turner
Our Ref: Tur/155/3074/GH
Date: December 2022



Chartered Surveyors ■■■ Planning & Development ■■■ Land Agents
Valuers ■■■ Property Agency ■■■ Property Management



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1. INTRODUCTION AND BACKGROUND INFORMATION

- 1.1 Gary Hoerty Associates has been instructed by Mr John Turner to submit an appeal against the decision of Ribble Valley Borough Council to refuse planning permission for the proposed conversion of a redundant water tower and valve house located on land off Vicarage Lane, Wilpshire to create a single dwelling (Reference 2022/0619).
- 1.2 The existing buildings, to which this appeal relates, comprise a single storey brick-built valve house and a concrete water tower. These buildings are redundant and have been for many years. This proposal, if approved, would see them brought back into use as a single private dwelling making good use of a brownfield site.
- 1.3 We set out within this Statement our Grounds of Appeal and our comments on other material considerations. We set out why we believe the appeal proposal conforms to national and local planning policies, and why we consider that this appeal should be allowed.

2. PLANNING HISTORY

Earlier applications

- 2.1 We are aware of two planning applications, prior to the application subject of this appeal, having been submitted in respect of the property as well as one on adjacent land which is of relevance, the details are as follows:
- 2.2 Planning application number 3/98/0097/P was an application for the conversion of the water tower and valve house to create one dwelling. The application was submitted on 3 February 1998 and was refused on 3 April 1998. The decision to refuse the application was referred to appeal under reference T/APP/T2350/A/98/295099/P2 and in a decision dated 26 August 1998 the appeal was allowed, and planning permission was granted. The appeal decision references an earlier application in 1992 which was also the subject of an appeal that was unsuccessful. That appeal decision is attached as Appendix 1.
- 2.3 Planning application number 3/2001/0646 was an application for the conversion of water tower and valve house to create one dwelling. The application was submitted on 23 August 2001 and approved with conditions on 9 October 2001.
- 2.4 Planning application number 3/2021/0918 was a prior notification application for a farm track 240m long and 3.7m wide. The application was submitted on 7 September 2021 and determined as permission not required on 6 October 2021.

The appeal application

- 2.5 The application subject of this appeal, reference 2022/0619 was refused for the following reasons:

1. *The proposal is considered contrary to Policy DMH4 in that the building(s) to be converted do not benefit from a historic use for agricultural uses or a rural enterprise and that the buildings fail to be worthy of retention by virtue of their lack of intrinsic interest, potential or contribution to their setting.*
2. *The proposal, by virtue of the design and external appearance of the proposed dwelling, extents of associated access track, extent of residential curtilage and likely related domestic paraphernalia, would result in the introduction of an unsympathetic, incongruous, anomalous and discordant from of development that would result in a harmful suburbanising effect upon the landscape, being of significant detriment to the character and visual amenities of the defined open countryside.*

As such the proposal is considered to be in direct conflict with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework insofar that the proposed development would be of significant detriment to the character and visual amenities of the area.

3. *The proposal is considered contrary to Key Statements DS1, DS2, and Policy DMG2 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of a new residential dwelling within the defined open countryside, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need.*
4. *The creation of a new residential dwelling in this location would lead to an unsustainable pattern of development, without sufficient or adequate justification, insofar that occupants of the residential dwelling would fail to benefit from adequate walkable access to local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.*

3. THE APPEAL SITE AND PROPOSED DEVELOPMENT

- 3.1 The appeal site comprises a redundant water tower and valve house together with an adjoining parcel of land, the site is situated on land off Vicarage Lane, Wilpshire. The site is located in the corner of a field just to the north of a group of dwellings on the village edge and it lies to the west of the railway line which runs between Blackburn and Clitheroe.
- 3.2 The appeal site includes land that was not included in the previously approved applications which will enable the proposed development to be accessed by cars rather than solely on foot as was previously the case.
- 3.3 The site is located in a rural area and is within an area defined as open countryside in the adopted Ribble Valley Core Strategy 2008-2028 A Local Plan for Ribble Valley.

Figure 1: The site in context



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- 3.4 The proposal comprises of the conversion of a redundant water tower and valve house into a single dwelling and the use of an existing agricultural access which was recently constructed under application number 3/2021/0918, which is proposed to be extended
- 3.5 The dwelling will be created within the water tower over three floors and within the valve house as single storey accommodation and there will be a new build link connecting the two. At ground floor level the proposed dwelling will comprise a double garage and a utility room within the valve house, a link to the water tower which will provide an entrance hall, snug/office and dining living kitchen. The first floor within the water tower will provide two bedrooms, one with an ensuite bathroom and a house bathroom and on the second floor of the water tower a landing with three bedrooms one of which will have an en-suite bathroom.
- 3.6 Externally it is proposed that the valve house walls are cleaned of graffiti and repointed, and a new flat roof structure will be provided, the link building will be constructed from brick to match the valve house with powder coated aluminium windows and doors and roof glazing. The water tower will have powder coated aluminium windows inserted into it, a new flat roof structure and it will be rendered in K Rend.

4. RELEVANT PLANNING POLICY

- 4.1 Relevant planning policies are as follows:-

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EN2 – Landscape

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DMH3 – Dwellings in the Open Countryside
Policy DMH4 – Conversion of Barns and other buildings to dwellings

Policy DME1 – Protecting Trees & Woodland
Policy DME2 – Landscape & Townscape Protection

National Planning Policy Framework (NPPF)

- 4.2 The National Planning Policy Framework was adopted in March 2012 and has been revised since, the latest revision was July 2021. It is the main national planning policy guidance influencing planning decision making and replaces a substantial number of documents previously in place. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied, it sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so.
- 4.3 The main thrust of the document is that development, which is considered sustainable should go ahead, without delay and that there should be a presumption in favour of sustainable development and that planning should be a creative exercise in finding ways to enhance and improve the places in which we live our lives.

Other relevant guidance

- 4.4 National Design Guide and Planning Practice Guidance

5. THE GROUNDS OF APPEAL

The Reasons for Refusal

- 5.1. There are four reasons for refusal but the Council's objection to the proposal seems to come down to two distinct issues. First: 'locational' issues i.e. the proposed dwelling is in open countryside (Reasons 1, 3 and 4). Second: impact on the appearance and character of the area (Reason 2).

Reason for Refusal 1

- 5.2 Policy DMH4: 'The conversion of barns and other buildings to dwellings' allows for the creation of new residential planning units through the conversion of existing buildings subject to such proposals meeting a number of criteria. Our client's proposal fully conforms to all of the criteria. The policy states that where proposals conform to these criteria planning permission will be granted. We set out below, against each of the criteria, reasoned justification as to how our client's proposal conforms to the policy.
- 5.3 *Criterion 1: The building is not isolated in the landscape, is within a defined settlement or forms part of an already defined group of buildings,*

The buildings are not in an isolated location they are situated in relatively close proximity to a number of other dwellings on the edge of the village.

- 5.4 *Criterion 2: There need be no unnecessary expenditure by public authorities and utilities on the provision of infrastructure,*

The proposal will see no significant expenditure by any public authorities and / or utilities.

- 5.5 *Criterion 3: There would be no materially damaging effect on the landscape qualities of the area or harm to nature conservation interests,*

There will be no damage to the landscape of the area, and it is considered that the scheme would provide an improvement in this regard as it will regenerate the buildings which have been the subject of some disrepair and vandalism.

- 5.6 *Criterion 4: There would be no detrimental effect on the rural economy,*

The proposal will have no detrimental effect on the rural economy as the granting of permission for the development will support and increase the customer base on which local businesses can serve. It is likely that the works to implement the proposal will be carried out by local contractors who will be supplied by local builders' merchants, further supporting employment and the rural economy.

- 5.7 *Criterion 5: The proposals are consistent with the conservation of the natural beauty of the area,*

The conversion of the buildings will be carried out in a sympathetic manner and will have no negative impact on the visual aspect of the area.

- 5.8 *Criterion 6: That any existing nature conservation aspects of the existing structure are properly surveyed and where judged to be significant preserved or, if this is not possible, then any loss adequately mitigated.*

A protected species survey has been undertaken and copies of the report were submitted to the Council with the application. The report concludes that there is currently no apparent activity at the site and the potential for roosting is negligible.

- 5.9 The policy goes on to state that converted buildings must be structurally sound and capable of conversion for the proposed use without the need for extensive building or major alteration, which would adversely affect the character or appearance of the building. It must be of a sufficient size to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building and the building must be of an appropriate character and it must have a genuine history of agricultural use. The buildings that are the subject of the application fully conform to these requirements.

- 5.10 The Officer Report, copy attached at Appendix 2, says that Policy DMH3 is engaged in parallel with Policy DMH4 and goes on to assess the proposal against this policy. It does not however include reference to the policy in the Reason for Refusal. It is assumed therefore that the Council concluded that there is no conflict with this policy justifying the refusal of planning permission. Policy DMH3: Dwellings in the Open Countryside, sets out a number of exceptions to the general restriction preventing new residential development in the open countryside or AONB. Of this list our client's proposal fully conforms

to the following exception: *The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. Buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.*

- 5.11 Our client's proposal conforms to the above as the proposal will see the sensitive conversion of two old industrial buildings into a single residential dwelling. The proposed conversion of the buildings will not significantly alter the form, design and visual appearance of them. The existing buildings are structurally sound and can be converted with minimal rebuilding being required.

Reason for Refusal 2

- 5.12 Policy GM2: General Considerations, sets out a schedule of criteria against which development proposals within the Borough will be assessed. These are split into five categories: Design, Amenity, Environment, Infrastructure and Other.
- 5.13 In respect of the 'Design' criteria we would comment that The proposed development is unusual in that it does not involve the conversion of a traditional agricultural building rather it involves the construction of industrial buildings of more recent construction, however as was acknowledged by the inspector in respect of an earlier application for their conversion, they are permanent buildings which have been part of the landscape for many years and are likely to remain so for many years to come. The proposed conversion scheme is the same as that previously approved which was considered to be imaginative and carefully thought out.
- 5.14 The proposed development is sympathetic to existing and proposed land uses in terms of its size, intensity and nature, as well as scale, massing, style, features and building materials. This was certainly the view of the planning inspector who determined the planning appeal in respect of a very similar application in 1998.
- 5.15 The proposed development will incorporate sustainable construction techniques and will meet current building regulation standards with regard to thermal insulation. As part of the building regulation application, a design and as-built stage Standard Assessment Procedure (SAP) calculation will need to be carried out to demonstrate that the dwelling complies with the thermal efficiency part of the building regulations. The building regulations will also require a set of design and as-built water usage calculations, to demonstrate that the amount of water used within the dwelling per day, meets the requirements of the building regulations. To achieve this, installations such as low flush volume WCs and low volume/capacity baths will be incorporated. Sustainable surface and foul water drainage systems are proposed.
- 5.16 In respect of the 'Amenity' criteria we would comment that the conversion of these buildings to a dwelling will not have any adverse effect on the amenities of the surrounding area. There are some nearby dwellings however the presence of another dwelling will not adversely affect them. It is clear that the buildings have been subject to vandalism and the lack of any positive use of the buildings will see them deteriorate and become a problem for those living nearby as they are likely to attract anti-social activity.

- 5.17 In respect of the 'Environment' criteria we would comment that the proposal represents the efficient use of land, involving the conversion of an existing building and the improvement of the site. Due consideration has been given to any environmental impacts that the proposal may have on the environment by incorporating sustainable construction methods and materials. A protected species survey has been carried out and the report was submitted with the application. There are no mining issues on the site.
- 5.18 In respect of the 'Infrastructure' criteria we would comment that there will be no loss of open space as a consequence of the proposed development, and it will not place any burden at all on key or social infrastructure.
- 5.19 In respect of the 'Other' criteria we would comment that there will be no prejudiced future development which would provide significant environmental and amenity improvements.
- 5.20 Reason for Refusal 2 also makes reference to Paragraphs 130 and 134 of the NPPF. In respect of these we would comment that the proposed conversion works have been carefully thought through. The design is appropriate to the buildings and has had regard to local context. The resulting building would have good functionality and would be energy efficient. The proposal would improve the appearance of the buildings, thereby representing a positive improvement to the local landscape. The proposal would not involve extensive external works and would in no way impose itself or intrude on the landscape. There would be minimal residential curtilage. The proposal would have no detrimental impact on the character of the area. It should be noted that the appeal Inspector when considering the very similar proposal in 1998 commented that *"In my view this is an imaginative and carefully thought out scheme, where the alterations are consistent with the design of the buildings themselves..."* The Inspector went on to say that *"the landscape setting would be visually enhanced rather than materially damaged."* Both comments equally apply to the proposal subject of this appeal. The officer report says that the insertion of windows in the water tower would increase its visual prominence and detrimentally alter its character. That was clearly not the view of the Inspector in the previous appeal. The site itself is not prominent. No significant alterations are proposed that would introduce a wider domestic or suburbanising appearance. The access road is existing, and its extension would have little additional impact on the landscape.

Reason for Refusal 3

- 5.21 Policy DMG2: 'Strategic Considerations' deals with strategic considerations for the location of development within the Borough. Key Statement DS1 reaffirms the criteria set out in DMG2 and also sets out the overall spatial aspirations for development within the Borough. Policy DMG2 identifies that development proposals should generally provide for most development to be located within the principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 Villages and that it should be closely related to the main built-up areas, ensuring that it is appropriate to the scale and in keeping with the existing settlements. There is a limited type of development that will be permitted in the Tier 2 villages and the open countryside. Certain considerations are set out, one of which is that development is small scale and appropriate to a rural area where a local need or benefit can be identified. In this case the conversion is a small-scale development and there would be benefits from bringing a redundant building back into use and from visual improvements to the site. Neither national nor local policy prohibits new housing in the countryside, e.g. barn conversions. In

this case, the re-use of a redundant rural building represents an appropriate use. The policy also identifies considerations for development in the open countryside stating: *“Within the open countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build”.*

- 5.22 The proposed development is for residential use and makes use of two existing buildings and is therefore compliant with this policy. The development is in keeping with the character of the local area by virtue of its size, design, use of materials and siting as was determined at the appeal in respect of application number 3/1998/0097/P. It would not conflict with the overall spatial strategy set out in Key Statement DS1.
- 5.23 Key Statement DS2 ‘presumption in favour of sustainable development’ identifies that the Council when considering development proposals should take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 5.24 It is our contention that the proposal is in line with the policy approach set out in the NPPF. In this case there are policies within the adopted Core Strategy and the National Planning Policy Framework which support the conversion of permanent buildings in the countryside notwithstanding the fact that these buildings are often located in areas where the occupiers of the converted property will rely primarily on the use of private vehicles for travel to and from the proposed development. The proposed development will re-use existing buildings, bringing them into beneficial use, contributing to a wider choice of housing in the area. The proposal is well designed. In our view it represents sustainable development.

Reason for Refusal 4

- 5.25 Policy DMG3: Transport and Mobility identifies the importance of considering the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development. There is preference for developments to be located where there is a good relationship to the primary route network and strategic road network, also locations that increase the ability of the users of the development to access public transport.
- 5.26 Reason for Refusal 4 refers to Policy DMI2. It should be noted that other than noting the existence of the policy, the Officer Report makes no other reference to this policy. That is, Reason for Refusal 4 is not adequately justified. Policy DMI2: Transport Considerations. states that new development should be located to minimise the need to travel. Also, it should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for travel by private car.
- 5.27 As stated above, the buildings are not in an isolated location they are situated in relatively close proximity to a number of other dwellings on the edge of the village. The policy does not expect all new development to be located within urban areas or lower order centres, it (along with other Core Strategy policies) accepts that some development will occur in more rural locations. The proposed development involves the beneficial conversion of an existing

building. It is a relatively low key development that will not generate much new traffic. In our view, the proposal does not conflict with Policies DMG3 or DMI2.

Other Planning matters

Impact Upon Residential Amenity

- 5.28 The officer report says that: *“Given the buildings relative distance from nearby residential receptors it is not considered that the proposal will result in any undue impacts upon the residential amenities of nearby existing or future residential occupiers.”* We concur with that assessment.

Landscape/Ecology:

- 5.29 The application was accompanied by the submission of a preliminary Bat Roost Assessment. The report concludes that there was no evidence to suggest the building has been utilised for roosting by bats and further concludes that the buildings are of negligible potential to accommodate roosting bats. As such no mitigation is required to offset the potential impacts upon protected species as a result of the proposal.
- 5.30 The officer report raises an issue regarding impact on trees on adjacent land. The proposal involves the conversion of existing buildings with little external work. The largest diameter of the trees is circa 350cm which would give a root protection zone (RPZ) of 4.2m. The buildings are at least 6.5m away from the trees at their closest point and there is no need to undertake any excavation work within the RPZ's because the structures already exist. There would therefore be no impact on trees. In our view the proposal complies with Policies DME2: 'Landscape and Townscape Protection' and DME3: 'Site and Species Protection and Conservation'.

Highways

- 5.31 The officer report (consultations section) states that the LHA require the provision of two passing places in the access track. These can be provided on land within the ownership of the appellant. We would suggest that this matter can be adequately dealt with by a (Grampian) condition.

6. SUMMARY AND CONCLUSIONS

- 6.1 We consider that we have demonstrated within this Statement that the proposed development conforms to both the national planning policy guidance and the relevant local plan policies.
- 6.2 The principle of the development proposed has been accepted on appeal and while the local plan that was in force at the time has been replaced there have been no significant changes in the policies that are relevant to the determination of this appeal, such that the proposed development would now be contrary to policy. Furthermore, the buildings have been so well built that although there has been some deterioration, they are still structurally sound and capable of conversion without significant rebuilding.
- 6.3 The proposed conversion of the buildings into a dwelling will see the positive reuse of the buildings which are a permanent feature of the landscape and

which are currently the subject of anti-social behaviour having been subject to vandalism. The inspector dealing with the previous appeal acknowledged that although the buildings are not constructed out of traditional materials, he did not consider them to be uncharacteristic of the area or harmful to it. He also acknowledged that the buildings are part of the history of the area.

- 6.4 As we have demonstrated in this report the proposal satisfies the requirements of the relevant policies we respectfully request that this appeal be allowed and planning permission granted.

Signed



.....Date *16.12.2022*.....

AAV

Associates

APPENDIX 1

Decision letter Appeal reference T/APP/T2350/A/98/295099/P2



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Your Ref: KL/1089/APP
Our Ref: T/APP/T2350/A/98/295099/P2

Date: 26 AUG 1998

DISPATCHED
DENVER
27 AUG 1998
THE
1998

Dear Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY GOLDFINCH (PROJECTS) LIMITED
APPLICATION NO: 3/98/0097/P

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Ribble Valley Borough Council to refuse planning permission in respect of an application for the conversion of a redundant sprinkler tank and valve house to create a single dwelling on land off Vicarage Lane, Wilpshire. I conducted a hearing into the appeal on 12 August 1998.
2. It is accepted that these buildings lie in the countryside outside the built up area of Wilpshire, are substantially constructed and are capable of such conversion. Although a previous scheme for conversion in 1991 was refused by the Council and a subsequent appeal in 1992 dismissed, it is agreed that the Council's policies operating at that time have now been superseded. Whilst you say that this scheme overcomes the objections identified by the Inspector in 1992 and satisfies current policies, this is disputed by the Council.
3. From the evidence given at the hearing and from the written representations and from my inspection of the site and the surrounding area, I consider the main issue in this appeal to be the impact of this scheme upon the character and appearance of this area of countryside having regard to the Council's policies for the conversion of buildings to residential use.
4. The development plan comprises the Lancashire Structure Plan and the recently adopted Ribble Valley District Wide Local Plan and Policy 1 in the former permits re-use of buildings in the countryside provided that the environmental impact of any development will not be greater than that of the existing. Local Plan Policy G1 sets out general development control criteria whilst Policy ENV3 requires development in the countryside to be in keeping with the character of the landscape area and reflect local vernacular, scale, style, features and building materials. Policy H2 permits the appropriate conversion of rural buildings to dwellings provided they are suitably located and their form, bulk and general design are in keeping with their surroundings. Policies H15, H16 and H17 relate specifically to conversion of barns and other buildings to dwellings. They set out criteria for assessing such proposals including a requirement that there should be no materially damaging effect on the landscape qualities of the area, that the character of the building and its materials are appropriate to its surroundings and that the design of the conversion is of a high standard and in keeping with local tradition. The general thrust of these policies accords with guidance in PPG7.

5. These buildings were erected in the early part of this century to provide a water supply to a local hospital which has now closed. They are solidly built and of functional design and the Council accept that they are likely to remain a permanent feature in the landscape for the foreseeable future. They are located in the corner of a field just to the north of a group of dwellings on the village edge where some redevelopment has taken place. The Council say that the structures are fairly insignificant features but they are prominent in views from a public footpath to the west and a railway line to the east. In terms of re-use and guidance in PPG7, it is agreed that there is no potential for commercial or industrial use because of access constraints and that residential re-use would be the least harmful.

6. The valve house is a single storey building with a basement, rectangular in plan with brick walls and a flat, reinforced concrete roof. It stands close to the sprinkler tank which is a circular reinforced concrete structure about two storeys high. The Council say that they are not constructed of indigenous materials but I agree with you that this is not a specific policy requirement. You say that the brick walls would be retained and the concrete treated with a masonry paint. The Council refer to local materials being stone and slate but styles here do vary and I saw that brick and render are also common materials in the village. I do not therefore consider such materials to be uncharacteristic of the area or harmful to it.

7. Whilst these are clearly not traditional rural buildings, they have been part of the landscape here for a very long time and are likely to continue so in the future. Although Policy H16(c) indicates that the character of a building and its materials should be appropriate to its surroundings and the building should be worthy of retention because of its intrinsic interest or potential or its contribution to its setting, I find no substantial evidence from the Council to clearly demonstrate conflict in this case with Policy H16, the basic aim of which is to enhance and protect the natural beauty of the Borough. Furthermore, the re-use of non-traditional buildings is not ruled out by PPG7 and they are part of the history of the area.

8. With regard to the proposed conversion, no rebuilding would be necessary. A small glazed structure would be erected to provide a link between the two buildings and new openings in the external walls would be minimal. Although the Council allege conflict with Policy H17 which sets out design criteria, these are not vernacular buildings. You suggest that they are unique and the Council do not refer to any other similar buildings in the area. In my view, this is an imaginative and carefully thought out scheme where the proposed alterations are consistent with the design of the buildings themselves whereas, with particular regard to the sprinkler tank, alterations in any local vernacular style would be uncharacteristic here and incompatible with its functional appearance.

9. There would be minimal residential curtilage and the surrounding land would remain as grassland. Parking would be close to the access from Vicarage Lane, which is acceptable to the Highway Authority, with only a footpath access to the dwelling itself. The landscape here has no special designation and, with the benefit of maintenance and improvements to these buildings which have been subject to some vandalism, I consider that the landscape setting would be visually enhanced rather than being materially damaged. I agree with you that this scheme is substantially different from that considered in the 1992 appeal and more sympathetic. Whilst I agree with that Inspector that these buildings do not easily lend themselves to residential conversion, I am satisfied that this current scheme does succeed. Furthermore, the policy context is now less restrictive. I consider that this scheme satisfies both local and national policy guidance for residential re-use and that any environmental impact would not be greater than already exists. This appeal should therefore succeed.

10. The Council suggest that a number of conditions would be necessary in this event to minimise the impact of any alterations by requiring approval of materials, withdrawal of permitted development and the carrying out of a landscaping scheme. A further condition would protect bats or other protected species which may be present. These are acceptable to you and I agree that they are necessary. In imposing such conditions, I have had regard to advice in Circular 11/95. I consider that further conditions and footnotes regarding oil storage, drainage and the railway boundary are a matter for other controls.

11. The Council is concerned about precedent but each proposal must be considered on its individual planning merits. A public footpath runs along part of the access drive before turning through a gate and continuing outside the site. This would not be affected by these proposals. The Parish Council also refer to a footpath running through the site itself but that does not have definitive status. I have taken account of all the other matters raised but I find nothing which outweighs the main considerations that lead me to my decision in this case.

12. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the conversion of a redundant sprinkler tank and valve house to create a single dwelling on land off Vicarage Lane, Wilpshire in accordance with the terms of the application (No 3/98/0097/P) dated 3 February 1998 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. no development shall take place until a schedule of works, including a sequence of operations for the conversion scheme, and precise specifications or samples of the materials or treatments to be used on the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details;

3. notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further extensions or external alterations to the dwelling, including any development within the curtilage as defined in Schedule 2, Part 1, Classes A to H, shall be erected or carried out unless expressly authorised by the local planning authority;

4. notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional structures, hardstandings or fences as defined in Schedule 2, Part 1, Classes E, F and G and Part 2, Class A shall be erected or carried out unless expressly authorised by the local planning authority;

5. no development shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the species 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 fencing and screening;

27 AUG 1998

6. the approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or in part, and shall be maintained thereafter for a period of two years. If within a period of two years from the planting of any tree or shrub it is removed, uprooted or destroyed or dies or in the opinion of the local planning authority, it is seriously damaged or becomes seriously diseased, it shall be replaced by another tree or shrub of the same species and size as originally planted;

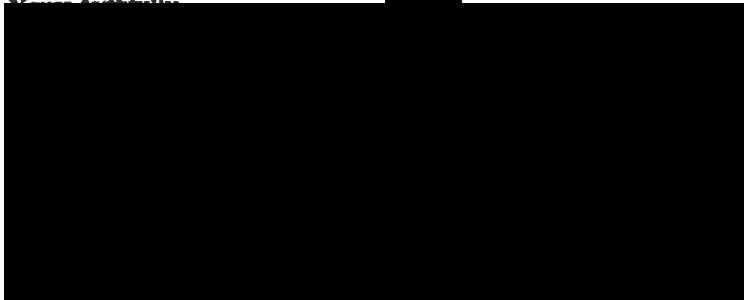
7. no development shall take place until a survey has been conducted, by a person the identity of whom has been previously agreed in writing by the local planning authority, to investigate whether the buildings are utilised by bats or other protected species and the survey results have been submitted to the local planning authority. If such use is established, a scheme for the protection of the species/habitat shall be submitted to and agreed in writing with the local planning authority and implemented before any works commence on site.

13. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

14. Attention is drawn to public footpath 5 in the parish of Wilpshire which passes through the appeal site. The grant of planning permission does not permit a developer to obstruct a right of way and any proposed stopping-up or diversion must be the subject of an Order for which application must be made to the local planning authority.

15. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Name of the




APPENDIX 2

Delegated report in respect of application 3/2022/0619

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	SK	Date:	19.08.22	Manager:	NH	Date:	22.08.22
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Application Ref:	2022/0619	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	18/09/22	
Officer:	SK	
DELEGATED ITEM FILE REPORT:		REFUSAL

Development Description:	Conversion of redundant water tower and valve house to create a single dwelling to include the creation of a short access track.
Site Address/Location:	Water Tank and Valve House off Vicarage Lane Wilpshire BB1 9HY

CONSULTATIONS:	Parish/Town Council
<p>Wilpshire Parish Council have offered the following observations:</p> <ol style="list-style-type: none"> <i>The application is outside the Wilpshire village settlement (building) boundary.</i> <i>The Footpath 3-46-FP 5 route at the side of 'the Glen' should not be granted vehicular access from the application onto Vicarage Lane as it is a public right of way that is too narrow and would cause nuisance to the owners of 'the Glen' and conflict with users of the footpath and vehicular traffic.</i> <i>The Bridlepath 3-46-BW 27 on Vicarage Lane is not in a condition to sustain further vehicular traffic-if it is possible a section 106 (Town & Country planning act 1990), obligation on the application for surface improvements to Vicarage Lane should be considered to mitigate the impact of the development.</i> 	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	
<p>LCC Highways have offered the following observations:</p> <p><i>Lancashire County Council acting as the Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.</i></p> <p>Site Access: <i>The LHA are aware that the site will be accessed directly off Vicarage Lane which is a private, unadopted road which serves numerous dwellings. The track is also used to serve Public Footpath 3-46-BW27. The LHA have reviewed the supporting documents and the LHA understands that the site will use the access track from Vicarage Lane, which has been erected</i></p> <p><i>following application reference 3/2021/0918. The Applicant is aiming to extend the recently erected agricultural track to the site, as shown on GHA drawing number Tur/155/3074/02 Rev A titled "Existing and Proposed Site Plans and Location Plan." The LHA have no objection to the extension to serve the site. This is even though the proposed track extension will cross over Public Footpath 3-46-FP5 to access the site.</i></p> <p><i>Despite this, the LHA will request that 2 passing places are implemented along the track, with each passing place measuring 2.5m wide and 15m in length. The LHA require this because the track will serve</i></p>	

both residential and as an agricultural use. Therefore, following the proposal more traffic will use the track, meaning that there is a higher chance that vehicles will meet along it. Due to this, the LHA require passing places to be implemented to ensure that two-way movements can occur along the single track. The LHA require these passing places to be shown on a revised drawing.

Internal Layout:

The LHA have reviewed GHA drawing number Tur/155/3074/02 Rev A titled "Existing and Proposed Site Plans and Location Plan" and are aware that the site complies with the parking guidance as defined in the Joint Lancashire Structure Plan. Therefore, the LHA have no further comments to make regarding the parking arrangements at the site.

Conclusion

The LHA require a revised drawing showing that two passing places are implemented along the agricultural track which will serve the proposed dwelling. Should the amended drawing comply with the LHAs guidance, the LHA will have no objection to the proposal.

CONSULTATIONS:

Additional Representations.

Five letters of representation have been received objecting to the proposal on the following grounds:

- Inadequate access
- Access via an agricultural track
- Incorrect information
- Intensification of use of Vicarage Lane

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EN2 – Landscape

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DMH3 – Dwellings in the Open Countryside
Policy DMH4 – Conversion of Barns and other buildings to dwellings

Policy DME1 – Protecting Trees & Woodland
Policy DME2 – Landscape & Townscape Protection

National Planning Policy Framework (NPPF)

Relevant Planning History:

2021/0918:

Prior notification for an agricultural track 240m long and 3.7m wide. (Approved)

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to an existing shuttered concrete water tower and associated valve house. The buildings are located within an area of greenfield agricultural land that benefits from an open countryside designation. The site is accessed by way of an existing agricultural track that offers partial access towards the site, with the track terminating at an adjacent field gate, whereby after which no existing formal vehicular or pedestrian access is afforded to the parcel of land upon which the buildings are sited.

Proposed Development for which consent is sought:

The submitted details seek consent for the conversion of the buildings to that of a single 5 bedroomed dwelling. It is proposed that the existing water tower will accommodate the majority of the primary habitable accommodation with the valve house accommodating dedicated garaging and a workshop/utility area. It is further proposed that a link-extension will be constructed to link both structures allowing the valve house to act as the primary entry point for occupiers of the dwelling.

The submitted details also propose the extension of an existing agricultural track to facilitate vehicular and pedestrian access. It is proposed that the new area of track will adjoin the existing track at its eastern extents, whereby which it will continue south though an unrelated (but within the same ownership) field, whereby it will adjoin the triangular parcel of land on which the building is sited and form a turning area and associated hardstanding.

Principle of Development:

Given the proposal seeks consent for the conversion of existing buildings, outside of a defined settlement, to that of a residential dwelling, both Policies DMH3 and DMH4 are primarily engaged for the purposes of assessing the application, with Key Statement DS1 and Policy DMG2 also being engaged.

Policy DMH4 allows for the creation of new residential planning units through the conversion of existing buildings subject to such proposals meeting a number of explicit criterion, in this respect the Policy reads:

Planning permission will be granted for the conversion of buildings to dwellings where

- 1. The building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of an already group of buildings, and*
- 2. There need be no unnecessary expenditure by public authorities and utilities on the provision of infrastructure, and*
- 3. There would be no materially damaging effect on the landscape qualities of the area or harm to nature conservations interests, and*
- 4. There would be no detrimental effect on the rural economy, and*
- 5. The proposals are consistent with the conservation of the natural beauty of the area.*
- 6. That any existing nature conservation aspects of the existing structure are properly surveyed and where judged to be significant preserved or, if this is not possible, then any loss adequately mitigated.*

The building to be converted must:

- 1. Be structurally sound and capable of conversion for the proposed use without the need for extensive building or major alternation, which would adversely affect the character or appearance of the building. the council will require a structural survey to be submitted with all planning application of this nature. this should include plans of any rebuilding that is proposed*

2. *Be of a sufficient size to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building, and*
3. *The character of the building and its materials are appropriate to its surroundings and the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting, and*
4. *The building has a genuine history of use for agriculture or another rural enterprise.*

Turning to the first criterion of the primary component of Policy DMH4 (1), it is not considered that the buildings to be converted form part of a 'grouping' insofar that they are viewed as being relatively remote in the landscape nor is it considered that they form part of a grouping.

In respect of criterion (4) of the primary component of the policy, the criteria requires that the conversion should not result in any '*materially damaging effect on the landscape qualities of the area*', as such, should it be considered that the proposal would prove injurious to the landscape qualities of the area, the general support afforded by Policy DMH4 is considered to be fully disengaged.

The secondary component of Policy DMH4 relates to the nature of the building to be converted and sets out a number of explicit criterion. In this respect DMH4 requires that the building benefit from a '*genuine history of use for agriculture or another rural enterprise*', the proposal fails to meet this essential criterion in that it fails to benefit from a history of such uses.

The policy (DMH4(3)) further requires that the building(s) to be converted must possess the following characteristics: '*The character of the building and its materials are appropriate to its surroundings and the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting*'.

In this respect the existing structures are constructed of pre-cast concrete and red-brick which are considered anomalous considering the rural character of the area in that the facing materials of the buildings are somewhat incongruous in their overtly industrial appearance. In this respect, the buildings are neither considered to possess intrinsic interest or that they currently contribute to their setting, not only by virtue of their materiality by also by virtue of their largely austere, industrial and utilitarian appearance. As such, given their external appearance and condition, the buildings are not considered to be worthy of retention.

Policy DMH3 is engaged in parallel with Policy DMH4 in that it relates to the creation of new dwellings in the countryside and AONB. In this respect DMH3 states that:

Within areas defined as open countryside or AONB on the proposals map, residential development will be limited to:

1. *Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied.*
2. *The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.*
3. *The rebuilding or replacement of existing dwellings subject to the following criteria:*
 - *The residential use of the property should not have been abandoned.*
 - *There being no adverse impact on the landscape in relation to the new dwelling.*
 - *The need to extend an existing curtilage.*

The creation of a permanent dwelling by the removal of any condition that restricts the occupation of dwellings to tourism/visitor use or for holiday use will be refused on the basis of unsustainability.

It cannot be argued that the proposal meets any of the exception criterion within DMH3(1) insofar that no evidence has been presented that would suggest that the proposal would be *'essential for the purposes of agriculture or residential development which meets an identified local need'*.

In respect of the second criterion of Policy DMH4, the policy requires that conversions of such buildings be *'suitably located'* and that *'the form and general design are in keeping with their surroundings'*. In this respect, should it be considered that the proposed conversion would not be in keeping with their surroundings, the support afforded by Policy DMH3 should also be disengaged.

The proposal seeks consent for that of the creation of a new residential dwelling outside of any defined settlement limits. As such, notwithstanding the above considerations, Policy DMG2 is also engaged for the purposes of assessing the principle of the creation of a new residential planning unit in this location.

Policy DMG2 of the Ribble Valley Core Strategy seeks to restrict residential development within the open countryside and Tier 2 Village settlements to that which meets a number of explicit criteria, with Key Statement DS1 also reaffirming these criteria and setting out the overall spatial aspirations for development within the Borough.

Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located 'in' principal and Tier 1 settlements with the second part of the policy DMG2(2) being engaged when a proposed development is located 'outside' defined settlement areas or within Tier 2 villages, with each part of the policy therefore being engaged in isolation and independent of the other dependant on the locational aspects of a proposal.

The mechanics and engagement of the policy are clear in this respect insofar that it contains explicit triggers as to when the former or latter criterion are applied and the triggers are purely locational and clearly based on a proposals relationship to defined settlement boundaries and whether, in this case, such a proposal is 'in' or 'outside' a defined settlement.

The proposal is located outside of any defined settlement limits, in this respect when assessing the locational aspects of development, it is the latter part of Policy DMG2 (Policy DMG2(2)) which remains engaged which states that:

Within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:

- 1. The development should be essential to the local economy or social wellbeing of the area.*
- 2. The development is needed for the purposes of forestry or agriculture.*
- 3. The development is for local needs housing which meets an identified need and is secured as such.*
- 4. The development is for small scale tourism or recreational developments appropriate to a rural area.*
- 5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*

In respect of the matter of 'local need', need is defined within the Adopted Core Strategy as *'Local needs housing is the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment'*.

No such information has been provided that would suggest the proposal is that for local needs housing that meets an identified need, nor can it be argued that the development is needed for the 'purposes of forestry or agriculture'.

As such, notwithstanding other development management considerations, and by virtue of its failure to accord with Policies DMH3 and DMH4, the principle of the creation of a new residential dwelling in this location is also in direct and clear conflict with the criterion of Policy DMG2.

Impact Upon Residential Amenity:

Given the buildings relative distance from nearby residential receptors it is not considered that the proposal will result in any undue impacts upon the residential amenities of nearby existing or future residential occupiers.

Visual Amenity/External Appearance:

The submitted details propose that the existing shuttered water tower will be rendered (colour to be agreed) with the insertion of a number of windows over three-floors, the majority of which will benefit from a westerly outlook.

It is further proposed that a link extension will be constructed to link both structures with the valve house being adapted through the insertion of a garage door and pedestrian entry-door on the easterly facing elevation a further window will be inserted on the westerly elevation of the valve house to afford light to the workshop/utility room area.

Notwithstanding the appearance of the structures in their current state and configuration, the submitted details propose minimal interventions save that of the construction of the link extension and the insertion of 15 windows on the water tower structure. These works have the effect of increasing the visual prominence of the water tower insofar that it fundamentally alters the character of the structure from that of a clearly visually utilitarian structure to that of an overtly domestic structure.

This will result in the proposal appearing both incongruous and anomalous, particularly taking account of the rural character of the area and the character of nearby residential receptors.

As such, taking account of the appearance of the building, in concert with the extension of the existing track, associated residential curtilage and likely associated domestic paraphernalia. It is considered that the proposal will result in the introduction of an unsympathetic, incongruous, anomalous and discordant form of development that would result in a harmful suburbanising effect upon the landscape, being of significant detriment to the character and visual amenities of the area.

Landscape/Ecology:

The application has been accompanied by the submission of a preliminary Bat Roost Assessment, the report concludes that there was no evidence to suggest the building has been utilised for roosting by bats and further concludes that the buildings are of negligible potential to accommodate roosting bats. As such no mitigation is required to offset the potential impacts upon protected species as a result of the proposal.

The applicant within the submitted information has stated that there are no trees/hedgerows on or adjacent the site that would be affected by the development. However, there are a number of trees directly adjacent the site. In this respect the applicant has failed to adequately demonstrate the proposal will not have adverse impacts upon adjacent or nearby trees/hedgerow or vegetation which may be of habitat value.

Observations/Consideration of Matters Raised/Conclusion:

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

RECOMMENDATION: That planning consent be refused for the following reason(s).

<p>01:</p>	<p>The proposal is considered contrary to Policy DMH4 in that the building(s) to be converted do not benefit from a historic use for agricultural uses or a rural enterprise and that the buildings fail to be worthy of retention by virtue of their lack of intrinsic interest, potential or contribution to their setting.</p>
<p>02:</p>	<p>The proposal, by virtue of the design and external appearance of the proposed dwelling, extents of associated access track, extent of residential curtilage and likely related domestic paraphernalia, would result in the introduction of an unsympathetic, incongruous, anomalous and discordant from of development that would result in a harmful suburbanising effect upon the landscape, being of significant detriment to the character and visual amenities of the defined open countryside.</p> <p>As such the proposal is considered to be in direct conflict with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework insofar that the proposed development would be of significant detriment to the character and visual amenities of the area.</p>
<p>03:</p>	<p>The proposal is considered contrary to Key Statements DS1, DS2, and Policy DMG2 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of a new residential dwelling within the defined open countryside, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need.</p>
<p>04:</p>	<p>The creation of a new residential dwelling in this location would lead to an unsustainable pattern of development, without sufficient or adequate justification, insofar that occupants of the residential dwelling would fail to benefit from adequate walkable access to local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.</p>