

# Statement of Case on behalf of the Appellant

Woodfold Park Stud, Woodfold Park, Mellor, BB2 7QA

Town and Country Planning Act 1990  
(Section 78) Planning Appeal against  
refusal for the proposed conversion of  
former stud farm stables to form part of  
residential dwelling and extensions to  
existing property

App'n Ref: 3/2022/0623

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# 1. Introduction

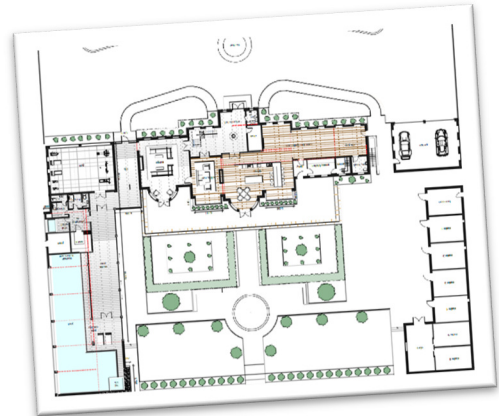
- 1.1 This Statement of Case is prepared by JWPC Ltd in support of an appeal by Mr Shokat Dalal against the refusal of a planning application for the proposed conversion of former stud farm stables to form part of residential dwelling and extensions to existing property at Woodfold Park Stud, Woodfold Park, Mellor. The application was refused by Ribble Valley Borough Council on 11<sup>th</sup> January 2023. The appellant therefore seeks to appeal against the refusal and this document forms the initial Statement of Case.
- 1.2 The planning appeal seeks to provide additional family accommodation to the Woodfold Park Stud Farm dwelling, through conversion of half of the existing stables associated with the property and which were built along with the property following approval of consent for the development in 2006. The proposal also includes extensions at first storey to the main house and ground floor additions to connect the converted stables with the dwellinghouse and detached garage. The property lies within the green belt and within Woodfold Park, which is a grade II Registered Park and Garden.
- 1.3 This Statement of Case will set out the details of the application and the reasons why we consider the appeal should be allowed, being consistent with local and national policy. The appeal is based on the arguments presented in the supporting documentation with the application and this Statement of Case, which also sets out a direct response to the reasons for refusal in the Decision Notice and the arguments presented by the Local Planning Authority (LPA) in their Delegated Report.
- 1.4 We will present the appellants case that the principle of conversion of the stables and the extensions to the property is acceptable and the design of the proposals will have limited impact on neighbours, as they are considerable distances away, and on the registered park

within which the buildings lie, due the scale and the location of the property away from the important landscape views and listed buildings.

- 1.5 The proposals also need to be considered against the permitted development rights that exist for the property, which are considerable to the rear and side elevation and have full rights under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, referenced during the course of the application and set out in this appeal.

## 2. Appeal Context

- 2.1 The appeal site lies to the northern edge of Woodfold Park, which is a Registered Park and Garden registered in 1995, to the south west of the village of Mellor. The property subject to the appeal is a former stud farm that was built following the grant of planning consent in 2006 for two stables blocks forming the stud farm and an associated residential dwelling, with the rear garden of the dwelling being flanked by the stable blocks and a planning condition connecting the use of the property to the stud farm buildings.
- 2.2 The appeal site, made up of the dwelling and connected stable buildings, are now directly linked to the adjacent land (plan shown in Appendix) through a recently revised planning condition, and the appellant now owns and manages this land and lives at the property with his family. The owner has no plans to incorporate a stud, livery or any associated use within the existing stable buildings to the rear of the property and therefore seeks to incorporate one of these buildings into an extended family home. The proposal increases the liveable floor area of the house, without making a significant increase in the footprint of the built development, as the main proposals include reuse of the existing stable building through conversion and extensions to the property, including above the existing single storey elements of the main dwelling. The increase in the built volume from that already existing is 16.5%.
- 2.3 The existing property and stables is shown on the site plan below, with the dwelling and detached garages to the north and stable blocks to both the east and west flanks of the dwellings garden, to the rear of the garages. The proposed site plan is shown side by side for comparison, showing that the additional built footprint is limited to small scale additions to the existing western garage, converted stable building and main property to connect the buildings. This represents a small increase in the built footprint of the properties on the site.



- 2.4 The proposed extensions at second storey are limited to the elements of the main dwelling building which are already single storey, and provide for a better proportioned property that does not look out of place within the context of the large properties within the registered park and wider rural area of the Ribble Valley.
- 2.5 The appeal proposals represent a reduction from the original proposals that formed the planning application, and was determined on the basis of these significantly reduced proposals, following discussions with the planning officer during the application process regarding the overall volume increase of the buildings due to the location of the property within the green belt. The Planning Support Statement and design statement submitted with the application refer to the original scheme, and additional details are provided in the e-mail correspondence with the Case Officer submitted with the appeal.
- 2.6 An additional plan is submitted with the appeal, seeking to amend window details to the converted western stable block to further reduce any potential for impact and we request that the Inspector accept these amendments as part of the appeal.

### 3. Planning Policy

3.1 A summary of relevant planning policies and the details of the listed park are set out in the Planning Support Statement (PSS) submitted with the application. The site lies within the green belt, Policy EN1 of the adopted Core Strategy and the Woodfold Park Historic Park and Garden under Policy DME4 of the Core Strategy.

3.2 National green belt policy at paragraph 149 of the National Planning Policy Framework (NPPF) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, and provides a list of exceptions to this which includes:

*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.*

3.3 Paragraph 150 of the NPPF provides an additional list of other forms of development that are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, which includes:

*d) the re-use of buildings provided that the buildings are of permanent and substantial construction.*

3.4 In terms of Local Plan policy, the LPA also refer to Policy DMH4, which is titled 'The Conversion of Barns and Other Buildings to Dwellings' and the policy itself states that 'planning permission will be granted for the conversion of buildings to dwellings'. However, the appeal proposal is not seeking to convert the building to a new dwelling, rather it is utilising the building for additional accommodation to the existing dwelling, not creating a new dwelling, which is what the policy seeks to control. From reading the criteria of this policy it is clear that it seeks to



permit new dwellings in rural buildings where they meet certain criteria and does not reference provision of additional accommodation to an existing dwelling. It is also relevant to the application of this policy that it was adopted prior to significant changes being made to permitted development rights that now allow for conversion of up to five new dwellings in rural buildings, which was not previously the case. This policy is therefore somewhat out of date and certainly not relevant to this appeal.

3.5 A Registered Park and Garden does not benefit from any statutory protection, but is a designated heritage asset and a material consideration in the planning process, meaning that planning authorities must consider the impact of any proposed development on the landscapes' special character.

3.6 The LPA do consider the heritage asset in their Delegated Report noting that Paragraph 133 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.' They also note support for heritage assets in Policy DEM4 of the Core Strategy, which states that 'proposals which cause harm to or loss of significant (sic) to registered parks, gardens or landscapes of special historic interest or other gardens of significant local heritage interest, including their setting, will not be supported'.

## 4. Grounds of Appeal

- 4.1 The appellant's grounds of appeal are that the proposals are consistent with national policy relating to extensions to existing residential dwellings within the green belt and the LPA have misinterpreted the proposals as they relate to forms of development that are not inappropriate in the green belt, being the re-use of buildings and the extension or alteration of a building not disproportionate to the original building. The principle of conversion and the principle of extensions of existing buildings in the green belt is acceptable and the scale of the increase in built volume in this proposal has been incorrectly considered by the LPA.
- 4.2 In addition, the appellant considers that the LPAs own assessment of the significance of the heritage assets confirm that there would be no impact on the significance due to the location of the site sufficiently away from the important landscape of the registered park and the listed buildings, despite their contrary conclusions on this matter. In addition, the size of the proposals in this wider context are of a minimal nature such that no harm should be considered. If the Inspector agrees with the LPA that the proposals cause less than substantial harm then we present the case that the appellants investment in this property through the proposals as their family home, which is tied by planning condition to the continued management of the land that forms a large part of the Registered Park, and the re-use of the vacant stable building block, are positives to the park and of sufficient public benefit to weigh against that harm.
- 4.3 Our ground of appeal is that the LPA has not demonstrated harm or loss of significance to the heritage asset. Indeed the Delegated Report details the opposite regarding impact on listed buildings and important views. Importantly, the proposals within this appeal represent a significant investment into Woodfold Park by the appellant, who now owns and manages approximately half of the Park whilst living at the property that they are seeking to alter. The appellant is working to manage that land in accordance with the condition of the appeal property and in the context of a recent history of concern for Woodfold Park outlined in the

delegated report, this would represent works to conserve the asset of the wider landscape. These elements do not form part of the appeal, beyond the condition attached to the property, but alongside this recently amended planning condition and the appeal proposals, show significant commitment and investment by the appellants into this property and land to ensure the property and stable building remains in use allowing future management of the land.

4.4 The Delegated Report notes that the proposals are not visible from the nearest listed buildings, but then notes the proposals would impact on the setting and significance without providing any details of how they reach that conclusion, other than the fact of being within the designation boundary of the listed park. The report also notes the significance of the park being a strong natural topography designed to give vistas and perspectives with sloping woodland and water with a sharply defined ridge in front and behind to frame the view of and from the Hall. The Hall is Woodfold Hall, which is located over 300 metres away to the southwest. Importantly, the Delegated Report confirms that the appeal property is not seen from these views, so we question the conclusion of harm from the proposals. The LPAs approach has been to recognise the significance of the heritage assets, namely the specific landscape and views of Woodfold Hall and the Listed Buildings, acknowledge that the appeal property does not impact upon them, but then conclude that it does cause less than substantial harm.

4.5 Our case is that the proposals are not substantial in the context of the existing property and cause no harm to the significance of the heritage assets by virtue of the distance of the property from the assets and their important views, and the limited scale of the proposals in that context. In addition, the history of the appeal site is that it was granted consent for the current property and for a much larger development prior to that, all whilst the heritage asset was registered and listed buildings listed, demonstrating that the site's location was acceptable for a larger scale development of a 78 stable race horse training facility and in the context of what now amounts to a relatively small scale extension to the built form of the existing property, would cause no harm to the asset that that already considered acceptable on this site.

4.6 We discuss the grounds of appeal below in direct response to the four reasons for refusal given by the LPA. The first reason for refusal relates to setting of the heritage assets:

*1 - The proposed extensions and alterations would result in harm to the setting of the historic park and associated Listed Buildings in terms of scale, design and materials contrary to Policies EN5 and DME4 of the Ribble Valley Core Strategy 2008 -2028 and paragraph 202 of the National Planning Policy Framework.*

4.7 With regards to the listed buildings, the LPA's Delegated Report states that the listed buildings closest to the appeal site are located 425m and 500m away, beyond existing trees and shrubbery that screen views, concluding that the proposed extensions would not be readily visible within the setting of these listed buildings with the separation distance being sufficient to ensure that the development would have little direct visual impact. The reason for refusal is therefore incorrect to state that the setting of the listed buildings are impacted.

4.8 The delegated report does however state that the proposals would impact on the setting and significance of the registered park which includes the listed buildings within its curtilage, therefore impacting on the setting and significance of these listed buildings. Given that the proposals relate to a 16.5% increase in the built volume of an existing property more than a quarter of a mile away, with none of the alterations being visible from the listed buildings, this is a spurious claim.

4.9 We also note that Historic England have made no comment on the application with regard the listed assets, as the statutory consultee.

4.10 The LPA considers in the delegated report the impact of the proposals on the historic park to be because the extensions and alterations are significant and not in keeping with the surrounding area in terms of scale and design, and the materials would not reflect those on the existing dwelling, introducing a more modern palette of materials out of character with the historic setting of the park and listed buildings. As we discuss in this Statement of Case

below, the appellants argue that the proposals are not significant in scale, in terms of being acceptable extensions in the green belt, and the sites position in of itself limits the potential for impact on the protected views of the registered park, a fact expressed by the historical acceptance by the LPA of the building of the property in this location in the first place. Indeed, the Delegated Report acknowledges that the property is not seen within the important views of the park.

- 4.11 The 2001 proposals for the park (approved in 2003) included the construction of a new race horse training facility including 78 stables, manager's accommodation and gallops area, with the chosen location for that completely new development proposal being the current location of the stud farm and dwelling subject to this appeal. The 2006 proposal to build the property now subject to this appeal was separate to those proposals, and provided a much smaller development in scale than that approved in 2003. The Committee Report provided in the Appendix confirms this, also noting that the Garden History Society did not object to the proposal for this reason.
- 4.12 The Committee Report notes the site location as 'in the north eastern corner of Woodfold Park away from the Hall and most of the other buildings within the park. The site comprises part of a field which is screened to the north by trees and a stone wall.' The property is not readily visible in the landscape and not visible in the important views of the park.
- 4.13 In summary, the LPA determined in 2003 that the appeal site location was suitable for a new build race horse training facility and dwelling. In 2006 they determined that a smaller proposal, for the current built development of stud farm and dwelling was acceptable in the same location. In both decisions at the time the site was within the green belt and within the registered park and therefore considerations would have been made with regard to the impact of the development on the park and policy.

4.14 The proposal now seek to reuse half of the built stable buildings and provide an increase in the size of the overall building volume of 16.5%. The previous considerations of impact for locating a completely new building and operation in this location within the park must surely still apply in considering the potential for what amounts to relatively small scale additions to the property, and which present a proposal still smaller than the original consent granted in 2003.

4.15 The buildings constructed following the consent given in 2006 retain full rights to permitted development as the LPA did not remove them, rights that are also not curtailed by the building's location within the registered park. As such, proposed increases in footprint and building volume can be accommodated on the site through Schedule 2 of the GDPO. This can include extensions of two storey on the existing main building to 3 metres and up to 8 metres on the single storey elements across the entire rear elevation of the building, which would represent a significant increase in the built volume of that proposed by this appeal, along with a half width side extension to the main property. The appellant will be seeking to confirm this permitted development right through prior notification consents during the course of this appeal.

4.16 The second reason for refusal relates to the LPAs assessment of the extensions in the green belt:

*2 - The proposed extensions and alterations would result in disproportionate additions to a domestic property within the Green Belt which falls to be considered inappropriate development and would be detrimental to the openness of the Green Belt. No very special circumstances have been put forward which outweigh this harm and as such the development is contrary to Policy EN1 of the Ribble Valley Core Strategy 2008 - 2028 and paragraph 149 c) of the National Planning Policy Framework.*

4.17 In the Delegated Report the LPA considers the proposed extensions to be disproportionate additions as they have erred in their assessment of the calculations of the proposals built

form. The LPA considers the increase in built form to be 44.94% of the original dwellinghouse, rather than the 16.5% they acknowledge at the start of their Delegated Report. Their assessment appears to be based on an assumption that providing additional accommodation to a property through conversion should be included within the volume calculations of new built form. The consideration of whether extensions in the green belt are disproportionate is taken from paragraph 149 of the NPPF, and whilst no clear guidance is given by the guidance, the paragraph from which the exception comes from directly refers to 'the construction of new buildings'. The conversion of buildings in the green belt is considered under a separate paragraph of the NPPF. The construction of new built form proposed is therefore a 16.5% volume increase from the original dwellinghouse, not the 44.94% on which the LPA determined was disproportionate in the green belt.

4.18 What volume increase would count as a disproportionate additions to an existing building in the green belt is not defined by national guidance or local policy, so there is no clear direction. However, there is a general professional understanding from experience of other appeals and decisions nationally and in the local district that even a figure of 44.94% may not be disproportionate. For example, we provide an appeal in the Appendix that considered a 49% increase not to be disproportionate. There are likewise other extensions much larger than the minimal 16.5% proposed here that have been determined to be consistent with green belt policy as not inappropriate. Whether the proposals present a disproportionate addition for this building can also be considered on the basis of the existing built footprint and proposed footprint provided in this Statement, showing a limited increase in developed footprint. Consideration also of the permitted development rights is also relevant in this matter, accepting of the principle that extensions to dwellings under permitted development are not limited within the green belt.

4.19 Consideration of the elements of the conversion of buildings in the green belt are dealt with by paragraph 150, which refers to other forms of development. Whilst this paragraph does refer to these forms of development needing to preserve the openness of the green belt, as the LPA have referenced in the reason for refusal, the conversion of the existing building does

not impact on the openness of the green belt. The extensions proposed, acceptable in principle under paragraph 149 of the NPPF does not require a consideration of their impact on openness of the green belt. Even if it was to be considered, there is no impact on openness due to the limit scale of the extensions.

- 4.20 National green belt policy at paragraph 149 of the National Planning Policy Framework (NPPF) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, and provides a list of exceptions to this which includes:

*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.*

- 4.21 The original building in this case is the buildings as constructed and the main consideration is whether the additions of the building would be disproportionately above the size of the original building. The LPA have considered in the delegated report that the calculation of additional building should include the elements of conversion proposed, but the elements of conversion do not create additional built volume. However, paragraph 149 refers to exceptions to the construction of new buildings. The principle of the change of use or conversion of existing buildings within the green belt is referenced in paragraph 150 that follows.

- 4.22 Paragraph 150 provides an additional list of other forms of development that are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, which includes:

*d) the re-use of buildings provided that the buildings are of permanent and substantial construction.*

- 4.23 The third reason for refusal relates to the design of the proposed changes:



*3 - The proposed design would be unsympathic (sic) to the original form and character of the building in terms of its over dominant form and incongruous form of development including flat roofs and large glazed elements to the detriment of visual amenity contrary to Policies DMG1 and DMH5 of the Ribble Valley Core Strategy 2008-2028. The proposed development would constitute poor design contrary to paragraph 130 of the National Planning Policy Framework.*

4.24 The first floor extensions to the main dwelling are proposed to provide better proportions to the existing building design over the east and west sides of the original dwelling to form additional and better arranged bedroom accommodation for the home. Visually the extensions and elevations treatment aim to re-balance the existing elevations, which are both asymmetrical and poorly proportioned.

4.25 The introduction of flat roof and glazing for the links was chosen to limit the physical built form of the proposal and due to the limited views of these areas positioned to the rear, the materials are considered to have a limited impact on the existing buildings.

4.26 The Delegated Report acknowledges that the nearest property is 190m from the site and there are no important views of the site. The majority of the proposal includes the conversion of the existing stable building and second storey extensions to the main house that will match existing materials. On this basis, the objections from the LPA to the design elements and materials, being flat roofs and glazing, amount to a small part of the proposals, particularly from the front elevation as only a single storey connection between the existing detached garage and property will be visible. The majority of the changes providing new materials, on which the LPA object, are internal to the rear courtyard of the property and at single storey, providing no views of these elements from elsewhere.

4.27 The fourth reason for refusal relates to Policy DMH4 :

*4 - The proposed conversion of the detached stable block into leisure accommodation would, due to the extensive amount of extensions and alterations required and, by virtue of its resultant character and materials, not be tantamount to a conversion contrary to Policy DMH4 of the Ribble Valley Core Strategy 2008 - 2028.*

- 4.28 The Delegated Report states that the proposal would need to be of sufficient size to provide living accommodation without the need for further extensions in order to meet the requirements of Policy DMH4. As set out above, whilst Policy DMH4 is a policy relevant to the conversion of rural buildings, it is not relevant to these proposals as they are not seeking to provide an additional dwelling, which is both the clear title and wording of that policy. The extensions to the building as part of the existing property should be considered under the policy that follows, Policy DMH5: Residential and Curtilage Extensions. This requires that extensions or alterations to existing residential properties must accord with design policies and relevant designations within which the site is located, which are discussed above.
- 4.29 The appellant considers that the submission of the proposed extensions and conversions together seeks to reuse an existing stable building that forms a part of the existing rear courtyard of the property, and that the use of Policy DMH4 in the way the LPA intends is incorrect.
- 4.30 The Delegated Report states that the existing buildings are modern and not worthy of retention in the landscape or of any significance and therefore fails to comply with Policy DMH4.
- 4.31 The implication of this is that the buildings are left unused or demolished, which perhaps highlights that this policy is not intended to be used in this way for this particular proposal.

## 5. Conclusion

- 5.1 The appellants grounds of appeal are that the proposal complies with all national and local policies and cause no harm to the significance or setting of the listed park, the main elements of which are located well away from the property.
- 5.2 The proposals represent an investment in the listed park by the appellant, who as the new landowner of much of the park has been working to better manage the area and is seeking to reuse existing buildings and incorporate them into the residential property.
- 5.3 The location of the property was considered a site suitable for a much larger building just prior to its construction in the 2000s and the proposed volume increase of the buildings on site by just 16.5% and conversion of the existing stable building are considered acceptable development within the green belt.
- 5.4 The local authority's refusal of the proposal was based on a miscalculation of the increase in the built volume of the building, incorrect use of a rural conversion policy and a confused conclusion of the impact of the proposals on the listed park, contrary to their consideration of the impacts in the delegated report.
- 5.5 We respectfully request that the Inspector allow the appeal.



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