

Dinckley Parish  
Dinckley  
Blackburn  
Lancashire

FAO Harriott McCartney  
Ribble Valley Borough Council  
Planning Department  
Church Walk  
Clitheroe

26<sup>th</sup> February 2024

Planning Application No: 3/2022/0841  
Grid Ref: 368807 435935 Site Area 0.03 Hectares  
Proposal: Change use of an agricultural strip of land to use as an allotment & pond  
Location: Land to the rear of Greystones, Kenyon Lane, DINCKLEY. BB6 8AN  
Proprietor Address: Pendle View, Kenyon Lane, Dinckley, Blackburn BB6 8AN  
Dear Kathryn Hughes

On the 20<sup>th</sup> February 2024 a Dinckley Parish Meeting was held in response to the planning application made by Mr & Mrs Stummer. The purpose of the meeting was to ascertain the general feelings of the immediate affected residents of the Parish, regarding the application for change use of an agricultural strip of land to use as an allotment & pond. Mr & Mrs Stummer declined the invitation to attend the Meeting.

The Residents who attended unanimously objected to the planning application for the change of use an agricultural strip of land to use as an allotment & pond with explanation and evidence to support this is below:

#### **BACKGROUND**

Mr Stummer bought the original allotment LAN 199987, adjacent to this strip of land on 23.11.2017. He then bought the additional said strip of land that the application refers (Subject to the rights reserved by a Conveyance from 1959), with an additional triangle of Land joining both sites together and another area of land adjacent to the fence and rented Alpaca field LAN 255762 on 9.11.2021. Both from local land and business owners Mr John & Ann Brewer.

We have to make reference to the previously agreed Allotment 3/2019/0912, as this is one of the main reasons the Residents unfortunately want to reject the Application. In principle the Residents have no objection to the strip of land being used as an allotment but due to numerous consistent breaches since approval of this original Allotment and also Mr Stummer's imminent Pre-Application for change of use (advised by the planning office) to be followed by a Holiday dwelling Application, involving a Tiny House Dwelling, he has in situ on site without planning permission, also he has sought to be awarded an exemption certificate from the Camping Club for the existing Allotment.

The Allotment has never been used as an Allotment since receiving Approval of which the Breaches below confirm.

As the evidence is clear, we have no doubt that present application is stepping stone for another change of use in the very near future in conjunction with imminent plans for the original Allotment.

I detail below the application, conditions and breaches:

### **PREVIOUS APPLICATION**

Application 3/2019/0912

**Erection of a Timber Shed & Greenhouse for association with use of land as an allotment**

Permission was granted 19<sup>th</sup> December 2019

Under conditions that unless explicitly required by condition within this consent, the development permitted were to be carried out, in completed accordance with the proposals, as detailed on the drawings.

The buildings permitted were to be **solely used for agricultural purposes** (as defined in Section 336(1) of the Town and Country Planning Act 1990)

The Mr Stummer on receiving approval, was advised that **should there be any deviation from the approved plan the Local Planning Authority must be informed** and that any future Building Regulation Application had to comply with the approved planning application and had to deliver a sustainable form of development.

Mr Stummer, unfortunately did not comply to the above conditions.

After several resident complaints, the enforcement planning officer was contacted and has constantly been in contact with Mr Stummer to correct the following Breaches.

### **BREACHES**

- The Shed and Greenhouse are not built to the plans - in structure, size and foundations of which has had a detrimental impact on the environment and tree roots, flora and fauna  
Location STU/771/2169/02 and Proposed Plans and Elevations STU/771/2169/01.
- The Shed and Greenhouse have never be used for their intended use, as a greenhouse and shed but as recreational summerhouses.
- The Land and Buildings have never being used for intended purpose in his Statement it advise that it was for the use of growing his own fruit and vegetables, for his own use and enjoyment and Agricultural purposes, due his house that he rents of Mr Brewer not having a large enough curtilage for his needs in this regard. The land has never been cultivated in 5 years for this purpose.
- Lighting on fences internally and externally and also within the Allotment which is having a detrimental effect on the environment and residents.
- Erection of a third building which is permanent situ without planning permission.
- Siting of a huge Trailer House (called the Tiny House), this was put in situ since July last year. Regulations confirm that this could only be in situ for 28 days.

The structure is approximately 5 metres in height, originally with decking around the building.

After complaints from the local residents the Parish Officers arrange a meeting with Mrs Stummer to discuss the structures removal amicably. Mrs Stummer agreed to meet, she advised that the Tiny House was there to take pictures, as this was a new business venture and would be removed when they got a sunny day to take them. This is still in situ 7 months later.

The enforcement officer advised a time frame for this to be removed but they made the excuse that it was too muddy to be taken across a field to put into storage. The enforcement officer advised it now forms part of an ongoing further application and Mr Stummer has applied for the site to be awarded an exemption certificate from the Camping Club for the site to be used in accordance with **exemption certificate Under Paragraph 5 Of The First Schedule Of The Caravan Sites And Control Of Development Act 1960 And Section 269 Of The Public Health Act 1936 for recreational purposes by the members of Wild Trails Camping Club.**

Residents and the Parish are to be notified by the organisation dealing with their application of which the Planning Department have been advised and have provided a response. Within that application is an agreement to move The Tiny House elsewhere on the site as part of the application (and now is in situ adjacent to Mr Andrews Hedge at Greystones House. Should the certificate not be issued by the relevant body, the Planners will request that, as agreed, The Tiny House be moved off the land.

Further Planning Application 3/2022/1038 applied for a proposed development of a holiday cottage on the Allotment but it was refused on, 6<sup>th</sup> June 2023.

The reasons advised that it would be contrary to the aims and objectives of Key Statement DMI2 and Policies DMG3 and DMB3 of the Ribble Valley Core Strategy 2008 – 2028 as well as the National Planning Policy Framework. Also would be contrary to Policies DMG1, DMG2 and DMB3 of the Ribble Valley Core Strategy 2008 -2028 as well as the National Planning Policy Framework to its design.

- An Alpaca experience business was advertised operating from the Allotment without a Planning Permission and after enforcement, is no longer operating from the site.
- The Strip of Land (New Allotment Plan) had been developed into an ornamental garden with decking without Planning Permission.

Enforcement Planning Officers are ongoing with above Breaches of which they will be able to give a full and detailed updated report.

#### **CORE STRATEGY BREACHES**

- Sustainable Development has not been adhered to as per his statement.  
There was no mention of vehicles to be driven to the site applied (there is always a van or car park outside the gates) for but on his statement it was highlighted it was a short walk from his rented house so would have no impact. The buildings were erected to grow fruit and vegetables - again not used for this purpose as advocated by the NPPF the Councils Core Strategy 2008/2028. The Key Statements within the Core Strategy EN2 and DS2 have both not been adhered to.
- Key Statement DMG1 General Considerations - has also not been adhered too, it was highlighted that due to the nature of the lands use, there would be no noise generated, the site is now cabled up to electricity and Mr Stummer is continually drilling making structures daily from early in then morning to late in the evening. The area is used in the summer for recreational use with music, barbeques reported by the residents to be very late in the evening and lights on affecting neighbours and the environment.
- Policy DME 2 Landscape & Townscape Protection – not adhered to as per his statement Mr Stummer made reference that no trees and hedgerow would be affected. Several trees and some of the hedgerow have since been cut down after the Application was approved, having an adverse effect on biodiversity. Grid Maps o/s grid ref SD 68880 35839 is shown as woodland, this is being destroyed.
- A large proportion of the land is hard standing and all Fauna and Flora have been removed. The Shed and Greenhouse are not on the correct foundations of concrete blocks but are on concrete foundations and so detriments to tree roots, flora and fauna.
- Policy DME 3 Site & Species Protection Conservation - also not adhered to, the Fence surrounding the land has been altered and is completely solid and is not what is traditionally used in the area. We also question the height, as we believe if it is next to a highway, then it should be no higher than 1 metre in height, approximately 3.25 feet and at present this is approximately 2 metres. The solid fence now goes the length of this land and his rented land adjacent. This is detrimental to the movement of wildlife species hedgehogs, frogs, Badgers and deer etc. as this agricultural area, open countryside and the lighting in the evening is detrimental to the nocturnal wildlife.

We hope you can see why we have had to advise the previous Allotment Application in depth and the Breaches but we want to demonstrate why a simple allotment application, is of great concern when Mr Stummer has continually Breached the Allotment plot so blatantly, without any regard for the Planning Process, Residents and Environment, to obtain his end goal, of which he has had no intention of ever using his existing Allotment as an allotment, from when permission was granted. Mrs Stummer very openly discussed that they intended to monetise their land, of which we respect their ambition but the Allotment location is not suitable for a development only for Allotment use.

The current Application 3/2022/0841

Firstly, there are some anomalies to the present existing site plan.

1. The Allotment listed as Greystones belongs to Merlewood House.
2. There is no longer an Outdoor Swimming Pool at Greystones House.
3. Existing plans are not what is in situ at the present - the full pond, rockery, decking and lawned area in the plans have already been built and erected without planning permission.
4. Double vehicle gates – there is has no planning permission been approved for vehicle gates only to gain access to the Allotment by foot.
5. Several Trees are missing that should be in situ but have been felled.
6. Greenhouse has now been dismantled.
7. The Shed has not had permission for the added structure on the side, this should not be on the plans.
8. The application does not advise that the Allotment site is close to and adjacent to a Roman Road, which is of geological conservation importance. The Roman Road runs through the garden and house of Greystones House.

The plans in this location are not in fitting with the environment and do not resemble an Allotment for this area and setting. With an addition of decking and seating, this is for recreational use, with what we belief the pond to be adapted and used as a wild swimming pond, this would then create noise and disturbance to adjoining residents and wildlife, especially if part of the bigger Camping Application.

The plans are for an ornamental garden with flora and fauna and materials not in keeping with the natural habitat, going against Policy DME 3 Site & Species Protection Conservation so affecting biodiversity in an Agricultural environment with Sheep livestock in the adjacent field. There is no reference to the plants that have already been planted, which could be detrimental to wildlife and livestock. There is no reference for this Allotment for this be used for Agricultural use to grow vegetables and fruit of which was the basis of the Approval of the previous Allotment for this open countryside area.

This planning application is attached to the existing Allotment which has never been used as an allotment, so has had planning approved under false pretences. This has been a stepping stone to change of use to the land and to then be monetised, as Mrs Stummer confirmed in our meeting. Also this is to become a Campsite Facility of which, an application to be awarded exemption certificate, from the Camping Club for to be members of the Wild Trails Camping Club, has been applied for.

The Tiny House is now in situ at the back of Mr Andrews house at Greystones of which now is at least a meter larger in height than the adjoining hedges to his land is not in keeping with the area.

If the Tiny House is allowed to stay in situ the following as per the declined previous Application 3/2022/1038 statement advised.

Firstly - it would be contrary to Policies DMG1, DMG2 and DMB3 of the Ribble Valley Core Strategy 2008 - 2028 as well as the National Planning Policy Framework.

Secondly - it would result in an adverse impact on the amenity of the trees and hedges within, and adjacent to, the site which provide high quality amenity value in this rural location contrary to Policy DME1 of the Ribble Valley Core Strategy 2008 -2028 as well as the National Planning Policy Framework.

Thirdly - it would have an adverse impact on the biodiversity of the site and adjacent area in terms of species protection and conservation in this open countryside location contrary to Policy DME3 of the Ribble Valley Core Strategy 2008 – 2028.

The location of the Campsite would be remote from the nearest settlement(s) and public transport links and would result in one new build holiday accommodation unit in an unsustainable location where future occupants would be reliant on private motor vehicle(s) to access adequate services and facilities. This would be contrary to the aims and objectives of Key Statement DMI2 and Policies DMG3 and DMB3 of the Ribble Valley Core Strategy 2008 – 2028 as well as the National Planning Policy Framework.

The Tiny House does not relate well to an existing group of buildings or be sympathetic to existing nearby land uses, and would result in an incongruous and anomalous form of development in a countryside area by virtue of its siting and design. This would be contrary to Policies DMG1, DMG2 and DMB3 of the Ribble Valley Core Strategy 2008 -2028 as well as the National Planning Policy Framework

This ornamental garden (Allotment) has to be decided, as part of the bigger planning picture and to be rejected as being again applied for under false pretences, to coincide with the original Allotments forth coming Applications, to adapt as a camping facility using the Tiny House, being part of the Wild Trails Camping Club.

This then would be detrimental to the local area, the infrastructure would be under great pressure and so would the wildlife and fauna and the wellbeing of the residents and the Environment as per the Policy and Statements from the Core Strategy 2008-2028.

The Parish therefore strongly object to this Application on the above justification and explanation to the bigger picture.

Yours sincerely

Report on Behalf of the Parish Meeting  
Beverley Phillips  
Chair