



Appeal Decision

Hearing Held on 3 December 2024

Site visit made on 3 December 2024

by D Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/T2350/W/24/3348576

Thorneyholme Hall, Dunsop Bridge, Clitheroe BB7 3BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the 1990 Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Reilly against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2022/0942, dated 6 October 2022, was refused by notice dated 23 January 2024.
 - The development proposed is "Change of use from private dwelling (C3) to Hotel/Holiday Let (C1) and retention of unauthorised detached building for use as Hotel/Holiday Let (C1)".
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Decision

1. The appeal is allowed, and planning permission is granted for "Change of use from private dwelling (C3) to hotel (C1) and erection of detached building for use as a hotel (C1)" at Thorneyholme Hall, Dunsop Bridge, Clitheroe BB7 3BB in accordance with the terms of the application, Ref 3/2022/0942, dated 6 October 2022, as amended and subject to the conditions attached in the Schedule to this Decision.

Preliminary Matters

2. Following the refusal of the application subject to this appeal, the Council issued an enforcement notice on 9 February 2024 alleging the erection of a detached outbuilding. This is the subject of separate appeals (refs APP/T2350/C/24/3340452 and APP/T2350/C/24/3340453).
3. The description of development given on the appeal form and the Council's decision notice is "Change of use from private dwelling (C3) to Hotel/Holiday Let (C1) and retention of unauthorised detached building for use as Hotel/Holiday Let (C1)", as set out in the banner heading above.
4. The application was part retrospective as the detached building has already been built, as indicated by the description of development. Section 55 of the 1990 Act describes "development" as the carrying out of building, engineering, mining or other operations, not "retention" as described. The development was the erection of a building, there is no distinction made against proposals for development and those made retrospectively. The parties acknowledged this and agreed that the description should be changed to substitute "retention of unauthorised detached building" to "erection of detached building".
5. The description also refers to Classes C3 and C1 of Schedule 1 to The Town and Country Planning (Use Classes) Order 1987. Class C3 concerns use as

dwellinghouses and Class C1 is use as a hotel or as a boarding or guest house. I queried the intended use sought since holiday let could constitute a very different type of activity to a hotel.

6. The parties explained that during negotiations, the appellant had agreed to pursue the hotel use only. Consequently, it was agreed during the Hearing that the description of development should be amended to "Change of use from private dwelling (C3) to hotel (C1) and erection of detached building for use as a hotel (C1)".
7. It was common ground that the only prejudice in making this alteration would be to the appellant since it would be restricting the scope of the development. However, the appellant agreed to the amendment and the parties were satisfied with the altered description of development. I consider the amendments to the description are necessary to ensure certainty regarding the change of use sought. I have determined the appeal on this basis.
8. I saw that Thorneyholme Hall was laid out and equipped for the intended hotel use. There was a bar and a guests' lounge on the ground floor, along with a dining/breakfast room, a commercial kitchen and toilets. The upper floor comprised eight ensuite rooms. The detached building accommodated three separate rooms within the western wing, each with a shower and toilet. The northern wing included two other rooms, a further shower room and toilet and a store room.

Main Issues

9. The Council's reasons for refusal relate to the detached building.
10. The main issues are (1) the effect of the development on the character and appearance of the area, in particular, the Forest of Bowland National Landscape; (2) whether the development would be at an unacceptable risk of flooding or exacerbate flooding elsewhere and (3) the effect of the development on the living conditions of the occupants of nearby dwellings, with regard to noise and disturbance.

Reasons

Character and Appearance

11. Thorneyholme Hall is a substantial detached residence set within large grounds to the east of the settlement of Dunsop Bridge, within the Forest of Bowland National Landscape. The surrounding landscape is characterised by the Upper Hodder Wooded Rural Valleys. It comprises river valleys, pockets of woodland and upland areas with small settlements connected by rural roads and lanes. There are several farms with associated farmhouses and agricultural buildings, and some scattered dwellings. Overall, the surrounding countryside is predominantly rural and built development is limited.
12. Thorneyholme Hall lies close to the confluence of the River Hodder with the River Dunsop. Vehicular access is gained over the river by a relatively narrow bridge, which also serves neighbouring groups of houses that lie to the east and west. The gardens extend to the side and rear of the Hall and include lawned areas, planting, and trees many of which are protected by a Tree Preservation Order. The car park has been laid out at the rear and is accessed via a gravel drive that runs alongside the Hall.

13. An L-shaped building has been erected to the east of the Hall on the site of a former garage. The building is constructed of timber and has a slate roof. There is decking to the rear, with a hot tub, and an artificial grassed area to the front. The building has a floor area of 184 square metres, with a height of 2.25 metres to the eaves and 4.6 metres to the ridge.
14. No external alterations to the Hall are proposed as part of the application. The detached building would be altered to accommodate an office, a treatment room, a gym / sauna and a cinema / conference room. The appellant explained that the detached building would enable the provision of facilities that cannot be provided in the Hall. The inclusion of the treatment room, gym and hot tub would expand the hotel offer, making it more appealing to potential guests. Also, the conference room could attract corporate bookings, which would contribute to the overall viability of the hotel.
15. The proposed use of the site as a luxury hotel would likely bring economic benefits to the area as it would support tourism. Visitors would be likely to spend money locally and the hotel use would provide jobs that may well be taken up by people living locally. The Council acknowledged that Policies DMG2, DMB1 and DMB3 of the Ribble Valley Core Strategy (2014) provide support for small-scale tourism development and visitor facilities that would sustain the local economy. However, it was stressed that any such development should not conflict with other policies of the development plan.
16. The detached building is situated towards the front of the site and is seen in the context of the Hall. It is relatively large in terms of its footprint, but the single-storey building is comparatively small in scale when considered alongside the more substantial Hall. The L-shaped design is reflective of a utilitarian outbuilding, such as a stable block, and its timber and slate materials are appropriate to its status as an outbuilding associated with a large residence. The building remains subservient due to its proportions and design, and it does not detract from the Hall's imposing character and quality appearance.
17. The building is relatively prominent in views from Thorneyholme Bridge, neighbouring houses and the public right of way that runs to the north. Visibility is more limited from the road beyond. Glimpsed views are possible from a short stretch, but the site is well-screened, and the building does not stand out as an incongruous or dominant feature. Moreover, I saw that large farm houses with substantial outbuildings are not uncommon across this part of the National Landscape. The building is constructed in a vernacular style, using high quality materials and features that are in keeping with the character of the landscape and are reflective of local distinctiveness.
18. The Council was concerned about the use of contrasting materials, but I consider timber and slate to be appropriate in this context. If the building were constructed of stone and render to match the Hall it may be more prominent, and it would potentially compete with the main building rather than appear subservient as it does now.
19. I conclude on this issue that the development would not have an adverse effect on the character and appearance of the area, and it would not conflict with the statutory purpose to conserve and enhance the natural beauty of the Forest of Bowland National Landscape. It would, therefore, accord with Key Statements EN2 and EC3, and Policies DMG1, DMG2, DMB1 and DMB3 of the Core

Strategy, which support the development of visitor facilities provided they are of a high standard of design, that protect, conserve and enhance the landscape and character of the National Landscape.

Flood Risk

20. Most of the appeal site is within an area identified by the Environment Agency's flood risk map as Flood Zone 3, with a small part being in Flood Zone 2. The flood risk is fluvial from the main River Hodder. Flood Zone 3 is land assessed as having a greater than 1 in 100 annual probability of flooding. Accordingly, the appellant has submitted a Flood Risk Assessment (FRA), dated December 2022.
21. The FRA explains that Thorneyholme Hall and its grounds are on land that is elevated above that surrounding. The adjoining Thorneyholme Farm sits at a lower level to the site and there is a 1 metre high retaining wall along the western boundary with the farm. The height difference is maintained to the south as there is a raised embankment. Furthermore, there is a substantial brick wall along the site's northern boundary. It is also apparent that the slab level of the detached building has been raised and I understand there is a void below.
22. Although the site remains within Flood Zone 3, I accept that the site-specific circumstances, the topography and boundary walls, would provide a level of flood protection from a 1 in 100 year event. The FRA states that flood water would remain in the river channel past the site and would be prevented from entering by the retaining wall and the earth embankment. I agree, therefore, that the risk of fluvial flooding to the proposed development is medium.
23. The FRA proposes mitigation against fluvial flooding, which would be necessary given the identified risk. The measures include flood protection door barriers and high level sockets, which could be fitted retrospectively, and a flood evacuation plan. The use of the detached building could also be restricted through an appropriately worded condition to prevent it being occupied as bedrooms, which would be more vulnerable should flooding occur.
24. The Council was seeking a sequential test, but it was accepted during the Hearing that this is essentially a procedural matter to identify whether the development could be steered to an area with a lower risk of flooding. However, as explained by the appellant, the detached building is required in conjunction with the hotel to make it more viable. Locating the building elsewhere would not be pragmatic in the circumstances.
25. The construction of the detached building has led to a marginal increase in hard surfacing. However, built development across the wider site is not excessive and it is highly unlikely that the building would exacerbate flooding elsewhere.
26. I conclude on this issue that the site is at medium risk of fluvial flooding. However, the impact of a flood event could be mitigated to an acceptable level through measures identified in the FRA and through preventing the use of the detached building as bedrooms, which would be secured through planning conditions. Subject to the conditions, I consider that the development would not be at an unacceptable risk of flooding or exacerbate flooding elsewhere, in accordance with Policy DME6 of the Core Strategy and the National Planning Policy Framework.

Living Conditions

27. The Council expressed concern regarding the initially proposed holiday let use. It was considered that this could lead to large group bookings and the utilisation of the whole site, including the detached building, with limited supervision. This could result in a detrimental impact on the living conditions of neighbouring occupants, which would not be sympathetic to existing land uses.
28. As explained above, it was agreed at the start of the Hearing that the appellant would be happy for an amendment to the description of development to remove the proposed holiday let element. It was also agreed that a condition to limit the hours of use of the detached building to between 0700 and 2300 hours would be required to protect neighbours' living conditions. The Council was satisfied that this would overcome their concerns on the matter, subject to an appropriate condition to control the hotel use.
29. I conclude, therefore, that the development would not have an adverse effect on the living conditions of neighbouring occupants, with regard to noise and disturbance. It would accord with Policy DMG1 of the Core Strategy, which seeks among other things to ensure development is sympathetic to its surroundings.

Conditions

30. I have imposed the standard 'three-year' condition for the commencement of the approved use. I have also imposed a condition to specify the relevant plans as this creates certainty for all parties.
31. I have imposed the condition agreed by the parties that restricts the use to that of a hotel, which is necessary to control the activity associated with the development and restrict any change permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015.
32. I have imposed a condition requiring a scheme for the provision of any external lighting. This is necessary as any inappropriate lighting may have an adverse effect on the living conditions of neighbouring occupiers or on the rural landscape. A scheme for the provision for cycle parking is also necessary to promote more sustainable forms of transport.
33. The site is at medium risk from fluvial flooding and a condition is necessary to ensure appropriate mitigation measures are put in place, as recommended in the appellant's FRA. It is also necessary to limit the use of the building to ensure it does not provide additional bedroom accommodation as this would be a more vulnerable use.
34. Condition 4 is to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission for the erection of the detached building is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matters before the development takes place.
35. The condition will ensure that the operational development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning

authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

36. I have imposed the agreed hours condition to ensure the use of the detached building does not cause harm to the living conditions of nearby occupants.
37. I have not imposed the Council's suggested condition that would require the timberwork of the detached building to be stained a darker colour. This would have limited effect and was not shown to be necessary. Similarly, the car park has already been provided and is required in connection with the approved use. I do not consider a condition to require it to be delineated and retained has been justified. The need for an electric charging point was discussed but the Council explained it no longer imposes such conditions as this is covered by the Building Regulations. A condition would not meet the test of necessity, therefore.
38. It was agreed that the Council's suggested condition related to tree protection is not necessary.

Conclusion

39. For the reasons given above, I conclude that the proposal accords with the development plan as a whole and the appeal should be allowed.

D Moore

Inspector

Schedule of Conditions

- 1) The use hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Site Layout 1178-PL-22G
 - Existing and Proposed Elevations 1178-PL-58A
 - Proposed Annex Building – General Arrangement 1178-PL-23G
 - Existing and Proposed Ground Floor Plan 1178-PL-54A
 - Existing and Proposed First Floor Plan 1178-PL-56
 - Existing and Proposed Second Floor Plan 1178-PL-57
- 3) The premises shall be used for a hotel and for no other purpose (including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) The detached building shall be demolished to ground level and all materials resulting from the demolition shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme(s) for -
 - 1) proposed external lighting to be installed on any structure or within the site; and
 - 2) cycle storage; and
 - 3) flood risk mitigationshall have been submitted for the written approval of the local planning authority and the scheme(s) shall include a timetable for their implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme(s) or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme(s) shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme(s) specified in this condition, that scheme(s) shall thereafter be maintained/retained/remain in use. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 5) The use of the detached building hereby permitted shall only take place between the following hours 0700 – 2300 hrs.
- 6) The detached building hereby permitted shall be used for purposes incidental to the hotel use only and shall not be used to provide additional bedrooms.

APPEARANCES

FOR THE APPELLANTS:

Anthony Gill (Barrister Kings Chambers)
Joshua Hellawell (PWA Planning)
Michael Reilly (Appellant)

FOR THE LOCAL PLANNING AUTHORITY:

Kathryn Hughes (Principal Planning Officer)
Stephen Kilmartin (Principal Planning Officer)
Steve Maggs (Enforcement Officer)