

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

COMMENTS ON APPELLANT'S STATEMENT

TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/24/3348576
LPA Application Reference:	3/2022/0942

Appeal by Mr Michael Reilly
Against the refusal by
Ribble Valley Borough Council to grant planning permission for:

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).

Thorneyholme Hall, Newton Road, Dunsop Bridge BB7 3BB

**WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF OF
THE LOCAL PLANNING AUTHORITY**

Comments on Appellants Statement of Case

1. The outbuilding has been erected without consent. Whilst the LPA consider that the change of use of the main building from a dwelling house into a hotel use would be an acceptable one, and indeed the main building has been previously used for such a use. However, concerns remain over the use of the building as a holiday let and the lack of information that has been submitted in relation to the unauthorised outbuilding and its retention within the Forest of Bowland National Landscape despite prolonged email discussions relating to this and the proposed use and requests for existing floorplans for the outbuilding as built.
2. The main building and retention of the outbuilding had been approved as part of a previous decision (3/2021/1084) which sought consent for a cookery school (outbuilding) and associated accommodation (main house) this was approved with a restrictive condition attached regarding the use of the outbuilding and its removal.
3. Prior to this, permission was granted under 3/2017/0408 for the change of use of the site from residential to a cookery school including an extension to an existing detached garage building to be used in conjunction with the cookery school which was not implemented. A further application was then submitted under 3/2021/0676 to retain the outbuilding as ancillary to the dwelling. This was subsequently refused on two grounds one of which included the outbuildings excessive, scale, design and materials and impact on the AONB now National Landscape. The visual impact on the Forest of Bowland National Landscape can be assessed on the context elevations plan submitted with the 3/2017/0405 application which shows the existing and proposed south facing elevation. See attached Appendix One Decision Notice 3/2021/0676 and Appendix Two context elevations plan 3/201/0405.
4. Nothing has changed since that decision and clearly the building constructed bears no resemblance to the garage building that was previously on the site

and approved for conversion as part of the cookery school which has not been implemented. Therefore, the outbuilding has no permission in its current format and as such this building has no defined use.

5. In terms of the proposed use whilst the use of the main building as a hotel would be accepted. Concerns were raised with the appellant regarding the holiday let use and that this would not fall within the same use as the hotel use (Use Class C3) but would result in a mixed use or would be Sui Generis due to the size, type and location of the property. A holiday let of this proportion is likely to lead to large group bookings which would utilise the whole site including the annex with limited supervision/control and could lead to a detrimental impact on neighbouring properties and could lead to an increase in noise nuisance as well as comings and goings. Of particular concern is the internal bar area, outdoor patio area and BBQ as well as the extensive garden area which would allow for outdoor activities for large groups particularly at weekends and during the summer months.
6. In respect of the above, when taking account of the scale and quantum of the accommodation proposed, which could accommodate up to 16 guests in the main house at any one time, plus potentially further accommodation within the outbuilding, it is considered that the intensity of the use as a holiday let and associated activities, particularly when fully booked would give rise to a use that would not be 'sympathetic to existing and proposed land uses in terms of its size, intensity and nature' as required by Policy DMG1 of the Ribble valley Core Strategy.
7. Particularly insofar that a holiday use of this scale would result in a significant detrimental impact on the character of the immediate area insofar that they would not be commensurate with and would significantly exceed the levels of activities that would usually be associated with a dwellinghouse or hotel use.
8. In this respect it cannot be considered that a holiday let use, particularly when taking account of the character of the area (in that it is relatively private and

sedate in character), would be 'sympathetic' to the inherent character of the immediate area.

9. Therefore the use of the entire site as a holiday let would not be acceptable in this location due to its intensity and nature within this location within the Forest of Bowland National Landscape and therefore it would be prudent to restrict the use to that of a hotel only in order to limit its impact on the residential amenity of nearby properties in direct conflict with the aims and objectives of the Ribble Valley Core Strategy. This can be controlled by an appropriate condition if the proposal was considered to be acceptable in other respects. This had been previously agreed with the appellant.
10. The site falls within Flood Zones 2 and 3 and whilst a Flood Risk Assessment has been submitted this refers to the development as conversions of existing buildings only, with a number of recommended flood proofing measures identified to address the risk of flooding.
11. As this building is complete and unauthorised then this element of the scheme effectively relates to a new building in which case the sequential test should be applied which aims to steer development to areas with the lowest risk of flooding. If the sequential test is passed, then the exception test would apply as the development involves a more vulnerable use in flood zone 3.
12. It has not been demonstrated why this building satisfies the sequential test in which case there is no justification for this element of the scheme in a high-risk flooding area.
13. The 3/2017/0408 permission for a cookery school lapsed with subsequent applications withdrawn and the 3/2021/1084 permission for a cookery school has not been implemented in any degree nor has an application been submitted to discharge any of the attached conditions. Whilst this permission does not expire until the 27th January 2025 it is clearly not the appellant's intention to implement this permission as they now seek an alternative use and it is understood that the intended occupant for the cookery school has

sought an alternative scheme which has been established elsewhere within the Borough.

14. It remains the view of the LPA that the unauthorised outbuilding does not have a use and since the cookery school permission has not been implemented and with no prospect of it doing so, then there is no realistic fallback position and the outbuilding is not an acceptable form of development within the Forest of Bowland National Landscape and should be removed.

15. In any event this type of development is within a high-risk flood area and it fails the sequential test.

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

APPLICATION NO: 3/2021/0676

DECISION DATE: 2 September 2021

DATE RECEIVED: 28/06/2021

APPLICANT:

Mr Michael Reilly
C/o Agent

AGENT:

Mr Joshua Hellowell
PWA Planning
Ribble Saw Mill
Paley Road
Preston
PR1 8LT

DEVELOPMENT PROPOSED: Regularisation of unauthorised outbuilding ancillary to dwelling.

AT: Thorneyholme Hall Newton Road Dunsop Bridge BB7 3BB

Ribble Valley Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission **has been refused** for the carrying out of the above development for the following reason(s):

- 1) The proposed outbuilding, due to its excessive scale, design, and choice of materials, creates an over dominant feature in this location (open countryside) which is not ancillary to the main dwellinghouse and is at odds with the character of the surrounding area. It would be harmful to the intrinsic beauty and tranquillity of the AONB and there is no justification or mitigating circumstances that would outweigh this harm. As such the proposal is considered contrary to policies DMG1, DMG2 and EN2 of the Core Strategy for the Ribble Valley.

- 2) The proposed driveway with associated lighting columns and large area of car parking represents further encroachment into the open countryside that will create an urban and alien feature at this domestic property. It is considered that there is sufficient space within the confines of the existing built development at this site to accommodate domestic parking without the need for this additional car park. The proposal represents inappropriate development which is harmful to the rural character of the area and it is not considered that sufficient material considerations have been provided which outweigh the harm the development will have on the open countryside and AONB. As such the proposal is considered contrary to policies DMG1, DMG2 and EN2 of the Core Strategy for the Ribble Valley.

P.T.O.

Note(s)

- 1) Applications for planning permission are assessed against the National Planning Policy Framework and the policies within the Core Strategy for the Ribble Valley. The Local Planning Authority adopts a positive and proactive manner and will consider representations, liaise with consultees, and seek amendments to proposals where appropriate within statutory timescales. The proposal does not comprise sustainable development and there were no amendments to the scheme, or conditions that could reasonably have been imposed, which could have made the development acceptable. It was therefore not possible to approve the application.
- 2) **PLEASE NOTE:** Notwithstanding the submitted plans the application has been assessed as an ancillary outbuilding and associated infrastructure in accordance with the application form

John Machole

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DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

Notes

Right of Appeal

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

P.T.O.

**RIBBLE VALLEY BOROUGH COUNCIL
REFUSAL OF PLANNING PERMISSION CONTINUED**

APPLICATION NO: 3/2021/0676

DECISION DATE: 2 September 2021

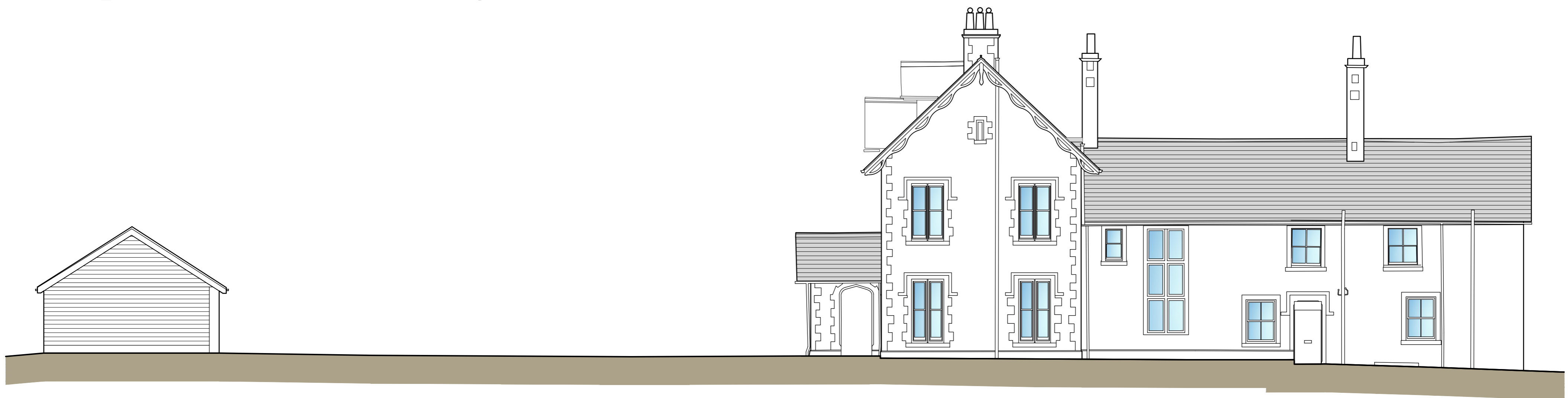
Purchase Notices

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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Proposed Elevation Facing South



Existing Elevation Facing South

Thorneyholme Hall - Context Elevations

	Title	Context Elevations	Project	Proposed Development at Thorneyholme Hall, Dunsop Bridge
	Scale	1:100@A2	Date	March 2017
	Drawn	PL	Drvg No	1178-PL-24

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