

Document D1

**Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004**

Updated Statement of Case

**PLANNING APPEAL AGAINST REFUSAL OF PLANNING
PERMISSION FOR ERECTION OF ONE PRIVATE DWELLING
WITH LANDSCAPING AND DEMOLITION OF EQUESTRIAN
DEVELOPMENT**

**LAND ADJACENT TO FURTHER LANE AND WOODFOLD PARK,
MELLOR, BB2 7QA**

**PREPARED ON BEHALF OF
MR HUSSAIN**

LPA REFERENCE: 3/2022/0988



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1.0 INTRODUCTION

- 1.1 This Updated Statement of Case (**Document D1**) incorporating planning evidence has been prepared on behalf of the Appellant, Mr Hussain. It relates to an Appeal against the refusal by Ribble Valley Borough Council ('RVBC') of a planning application referenced 3/2022/0988 for the erection of one private dwelling with landscaping and demolition of equestrian development at land adjacent to Further Lane and Woodfold Park, Mellor, BB2 7QA.
- 1.2 It is important to note at the outset that the application, and consequentially this Appeal, is a proposal to create a new English Country House, which is a long-standing and important exception for new dwellings in the countryside, now subject of paragraph 84(e) of the National Planning Policy Framework ('the NPPF'). The country-house exception raises issues of public importance in fostering architecture of the highest quality in the English countryside. The country-house exception in paragraph 84(e) also has a long history of being applied so as to represent the "very special circumstances" for such development in the Green Belt (engaged here). Such proposals therefore require special attention and consideration as they are intended to carry forward a cultural and heritage tradition of allowing buildings which are truly outstanding, reflecting the highest standards in architecture, to help raise standards of design more generally in rural areas and significantly enhance an immediate setting whilst being sensitive to the defining characteristics of the local area.
- 1.3 There has been a conspicuous failure by RVBC to grapple with these important policy provisions in their assessment of this Appeal scheme and in the six reasons that were advanced for refusing planning permission. The Appellant and his professional expert advisers have expended considerable time and energy in ensuring the creation of a proposal of the highest architectural quality that would indeed significantly enhance not just the Appeal site, but the general location, and it is very concerning that this has not been properly addressed by RVBC. There has been a significant failure to apply national policy in paragraph 84(e) of the NPPF, and the long tradition it represents and seeks to carry forward, in RVBC's refusal of this scheme.
- 1.4 This Statement of Case has been prepared by Kathryn Jukes BA (Hons) DipTP MRTPI who has been a chartered town planner since January 2001, and who has over 25 years' experience as a Town Planner both in the public and private sectors, and also as a Civil Servant. Kathryn has a wealth of experience of dealing with notable architecture having sat on the Yorkshire Design Review Panel for the last five years and in securing planning permission for award winning development, including a scheme that was short listed for a RIBA Stirling Prize in 2023.
- 1.5 This statement is supported by a wealth of other documents and expert evidence as testament to the Appeal scheme.

2.0 GROUNDS FOR AN INQUIRY

- 2.1 The Appellant has sought determination of the appeal by inquiry but, to date, this request has been refused by PINS. The Appellant maintains that an inquiry is necessary and repeats its request that this mode be followed. This Updated Statement of Case is submitted without prejudice to that request. For the avoidance of doubt, the Appellant retains that part of the Statement of Case below which set out reasons as to why an inquiry is necessary for the fair

determination of this appeal which should be read in conjunction with the additional correspondence reiterating that request which the Appellant submitted to PINS.

2.2 First, and foremost, there is a clear need for the evidence that is to be presented to be tested through formal questioning by an advocate and the Appellant is to be represented by a specialist King's Counsel in that respect. This need arises for a number of different reasons in light of the reasons for refusal as summarised below:

- (a) It is clear there is a potential dispute between RVBC and the Appellant as to the outstanding architectural quality of the design proposed, in respect of which the Appellant is calling expert evidence from a range of experts (both in terms of architecture and the nature and purpose of the country house exception). The Appeal is in relation to a dwelling that is of exceptional quality as it is truly outstanding, but RVBC has not engaged with paragraphs 84(e) or 139(b) of the NPPF. If the qualities that deem the proposed dwelling to be of the highest standards of architecture are to be understood then it will be necessary to explore in detail the underlying architectural principles, as they represent an essay (a formal composition of geometry), in classical architecture that cannot be appreciated from simply appraising the drawings or Design & Access Statement. Additionally, the level of historic research and analysis of the defining characteristics of the local area is such that the qualities on which the proposal has identified opportunity and drawn inspiration will not be appreciated without oral presentation and the chance for examination of those who have advised on the scheme. It is also important for the various heritage, landscape and architecture experts that have appraised the design to have chance to explain why they have been able to endorse the design as being of exceptional quality.
- (b) The Appellant must be entitled to question any evidence that RVBC puts forward in the above regard through formal cross-questioning, given the nature of the expertise and expert evidence produced in support of the design proposed in terms of full analysis of the origins and principles behind the architectural form. This is a matter of historical and technical expertise that depends upon Palladian principles and the use of those principles over the ages in developing the concept of an English Country House.
- (c) RVBC alleges that the proposal would result in less than substantial harm to Woodfold Park (a Grade II Registered Park and Garden) in circumstances where the Appellant's experts not only dispute the existence of any such harm, but have provided clear and important evidence on the heritage benefits the Appeal scheme would deliver. An Inquiry is particularly important to examine RVBC's misunderstanding of the significance of the designated heritage assets within the curtilage to Woodfold Park, which is itself a Grade II Listed Park and Garden on Historic England's Heritage At Risk Register. Again, this is a matter of expert dispute in respect of which the Appellant must be entitled to question any witness RVBC proposes to call to try and support its claims which are strongly refuted by the Appellant and his experts.
- (d) RVBC is seeking to suggest the "very special circumstances" that allow the Appeal proposal in the Green Belt do not exist, but this is similarly disputed given the merits of the case. RVBC's reasoning is flawed and involves a failure to apply specific evidence

on this issue, such as the effects of removal of existing commercial equestrian facilities, the nature of the openness of the resulting site and issues over how to approach questions of comparison and the question of openness generally. Once again, the nature of the dispute both as to the meaning and the application of Green Belt policy are significant and require proper testing by way of questioning. This in turn raises important issues as to the weighting of planning policy that need to be tested through evidence. The material weight attached to Green Belt and heritage policies is of sufficient complexity and significance in policy terms to warrant an Inquiry, due to the balance to be reached in determining whether the quality of the design and benefits of the proposal are sufficient to outweigh other considerations, including any potential harm (if harm is considered to arise).

- (e) The technical issues raised by RVBC in relation to ecology and highways are all strongly disputed by the Appellant and his witnesses, but again the Appellant must be entitled to question RVBC if such points are being pursued given the technical nature of such evidence.

2.3 Second, the issues raised are complex ones such as: (a) the legal issues relating to the correct interpretation of national policy and the errors made by RVBC in this regard, as covered by Counsel's Advice dated 19 October 2022 (**Document D34**); (b) the correct test to apply to paragraph 84(e) in regard to isolated homes in the countryside; (c) the correct test to apply in relation to paragraph 84(e) of the NPPF in conjunction with the question of Green Belt policy; and (d) overall the issues of heritage alongside the issue of the basic tradition of the English Country House and its execution in the Appeal proposal here. This includes highly technical evidence on heritage matters and detailed exploration of heritage history. This is a matter which itself justifies an Inquiry being held.

2.4 Third, the overall importance of the proposal for the local area and RVBC's area generally justify an Inquiry. This is an important proposal for a country-house exception in an area in dire need of architecture which can raise the standards in the area and set an important benchmark for the achievement of architecture and good design in this location. The Appeal proposal's outstanding qualities, and any dispute about them by RVBC, fully merit being considered properly and rigorously through the Inquiry process.

3.0 APPEAL SITE AND ITS LOCATION

3.1 The Appeal site is located on the south of Further Lane and is currently in commercial equestrian use. In the western portion of the site is a manège and series of buildings that are served by a decorative gated entrance flanked by pillars onto Further Lane. In the north-east corner of the site are wooden stables served by a wooden gated entrance onto Further Lane.

3.2 Further Lane forms the northern boundary to the site where a hedgerow follows the length of the site along the road into which the two access points are set. The southwestern boundary is defined by a post and rail fence beyond which is woodland to the west. The southern boundary to the site is formed by a post and rail fence that separates the pastureland from the properties at Woodfold Hall and a driveway serving two residential properties set within the walled garden to Woodfold Hall to the south west of the application site. To the east is a belt of tree planting

beyond which is a driveway serving Huntsman's Cottages, Woodfold Park Farm and Woodfold Hall.

- 3.3 Access into the site is currently provided from two access points off Further Lane. The first access is through a field gate, which is intended to provide access to the proposed dwelling. The second access serves the equestrian development to the south of the site through a gateway constructed of stone that includes a secure electronic gate set into pillars.
- 3.4 Further Lane provides access to the west to Samlesbury Bottom and to the east, Further Lane leads to the A677. In turn, the A677 provides access to Preston to the west and Blackburn to the east. The site is located approximately 1.6km southwest of Mellor and 3.9km northwest of Blackburn. Samlesbury Aerodrome is located approximately 1.5km to the northwest.
- 3.5 The site location plan submitted with the planning application is included at **Document D2**.

4.0 THE APPEAL PROPOSAL

- 4.1 The Appeal is submitted on the basis of the description as set out in RVBC's Decision Notice issued on 9th September 2023. A copy of the decision notice is included at **Document D3** and a copy of the Officer Report is included at **Document D4**. The submitted planning application form is included at **Document D5**.
- 4.2 The existing and proposed plans and elevations submitted with the application are included at **Document D6 to D24**. The further supporting documents that were originally submitted are included at **Documents D25 to D37**. Key correspondence submitted during the determination of the application is referenced **Documents D38 and D39**. In response to the RfR, further information is provided under **Documents D40 to D56**.
- 4.3 The proposal is for a new dwelling with an integrated garage within the basement, living accommodation at ground floor and six en-suite bedrooms at first floor. The accommodation at basement and ground floor level will include incidental uses, such as a gym, games room, cinema and swimming pool. The proposed dwelling is to be set within landscaped grounds that are intended to provide parking and amenity space to serve the detached house.
- 4.4 The application also involves the demolition of stables to allow for the erection of the dwelling. The demolition of the full range of equestrian buildings, hardstanding and paraphernalia, along with the removal of a manège is to form part of the application. The existing access onto Further Lane to the south west of the site is also to be closed off and removed in favour of continuing the hedgerow along Further Lane. The area of land currently occupied by the commercial equestrian development will become open land that is part of the landscaping to the wider site serving the dwelling.

5.0 BACKGROUND TO THE APPEAL

- 5.1 The site has been subject to a number of permissions that resulted in the development of the equestrian business to the south west of the site. The full planning history can be found under section 5.1 of the Planning Statement (**Document D32**), which was submitted as part of original application.

5.2 In September 2022 the full planning application was submitted for the erection of one private dwelling with landscaping and demolition of equestrian development under reference 3/2022/0988. The application was refused by committee on 1st September 2023 and is the subject of this Appeal.

5.3 The Reasons for Refusal ('RfR') are set out in full within the Decision Notice (**Document D3**) and so are not repeated here.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, in conjunction with section 70(2) of the Town and Country Planning Act 1990, requires that all local planning authorities must determine each planning application in accordance with the planning policies that comprise the development plan unless material considerations indicate otherwise.

6.2 The development plan in this instance consists of the Ribble Valley Core Strategy 2008-2028 (adopted December 2014) ("RVCS") and the Housing and Economic Development DPD (October 2019). The Local Plans Maps of the Districtwide Local Plan (1998) shows the Appeal site to be located within the general extent of the Green Belt and a mineral safeguarding area.

6.3 Ribble Valley Core Strategy (December 2014)

6.3.1 In the RfR, RVBC relies upon policies DS1, DS2, DMG2, DMG3, DME3, DME4 and Key Statements DS1, EN4 and EN5 of the Core Strategy. The Decision Notice confirms that none of the policies within the Housing and Economic Development DPD (October 2019) applies.

6.4 National Planning Policy Framework

6.4.1 The latest version National Planning Policy Framework ('the NPPF') was published December 2023 and sets out the Government's planning policies for England and how these are expected to be applied. Section 2 describes what sustainable development means and how it is to be achieved. The NPPF makes clear that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the NPPF is such a material consideration. Paragraph 11 sets out a presumption in favour of sustainable development, where development that accords with an up-to-date development plan is expected to be approved without delay.

6.4.2 While the NPPF is intended to be read as a whole, the particular policies of relevance within the NPPF for this Appeal can be found in sections: 2 (Achieving sustainable development); 5 (Delivering a sufficient supply of homes); 11 (Making effective use of land); 12 (Achieving well-designed places); 13 (Protecting Green Belt land); and 15 (Conserving and enhancing the natural environment).

6.4.3 The Decision Notice was issued in advance of the latest version of the NPPF being published but this Appeal Statement refers to the December 2023 version.

7.0 THE CASE FOR THE APPELLANT

7.1 The Appellant's case addresses the reasons for refusal concerning the principle of development, Green Belt, heritage, visual amenity, ecology and highways design. It also relates to fundamental flaws in the assessment of the Appeal proposal and in the decision-making process, as well as in refusing planning permission for the proposed development.

7.2 Principle of Sustainable Development

7.2.1 RfR 1 raises the issue of the proposed dwelling being located outside of development limits, where it is said it would not be an exception to local planning policy and the proposed house would result in dependence upon the use of private motor vehicles contrary to Key Statement DS1 and policies DMG1, DMG2 and DMG3 of the RVCS and the NPPF.

7.2.2 The Appellant's case is that the proposal complies fully with the NPPF, which is the current iteration of national policy that sets the standard for new country houses. The proposal is for a new country house of outstanding architectural quality of the necessary standard commanded by the NPPF. Moreover, by virtue of the qualities of the proposal, there is obvious justification for the proposal that amount to very special circumstances, and clearly and demonstrably outweigh any harm to the Green Belt, and any other harm. The policies of the NPPF have clearly been given insufficient consideration in RfR 1 and in the Council's assessment of the scheme, including paragraphs 2 and 11(d) of the NPPF that set out how the presumption in favour of sustainable development directs permission to be granted if there are no relevant development plan policies or the most important are out of date.

7.2.3 In the case of this Appeal, it is paragraph 84(e) of the NPPF that provides the particular policy context for the principle of development. This is because the RVCS is silent on the circumstances in which isolated new homes in the countryside may be acceptable, and therefore, the policies within the NPPF are more up to date and provide the most pertinent policy framework and the presumption in favour of development in the NPPF itself. Under paragraph 84(e), that policy framework applies where the Appeal proposal is proposing a new home in the countryside.

7.2.4 It is common ground that the Appeal site is located outside any defined settlement. Paragraph 84(e) provides an exception to a proposal which is otherwise proposing a new dwelling that would be isolated from a settlement (as opposed to its being isolated from other dwellings, which is not the test). In terms of 'isolation' and what constitutes a 'settlement', reference is made to the Planning Statement (**Document D32**) and Leading Counsel's Opinion (**Document D34**) which address relevant Case Law as to what is intended by policy and the concept of a dwelling being isolated in the sense intended by the NPPF, where it is sufficient that it be physically separate or indeed remote from a settlement.

7.2.5 The RVCS definition of a settlement within its Glossary refers only to defined settlements with the settlement hierarchy. The location of the Appeal site clearly does not fall within that definition. The Officer Report describes the immediate surrounding area to the Appeal site as being similar to that of a small hamlet, but inevitably, being 'similar to a small hamlet' is not the 'same', and if it is not the 'same' then the only conclusion to reach is that it is 'different' and so an actual hamlet does not exist. Even if it were, a hamlet would not be a settlement according

to RVCS's Glossary or the accepted definition of a settlement, which is "*DEFINED SETTLEMENT – A defined settlement is one which contains at least 20 dwellings and a shop or public house or place of worship or school or village hall, ie they are of a size and form that justifies treatment as a settlement. Settlements smaller than this limit will not be given settlement boundaries as they are not considered to be large enough or to contain enough facilities to allow for growth beyond that delivering regeneration benefits or local needs housing.*"

- 7.2.6 More fundamentally, the Council has failed to apply the policy intention behind paragraph 84(e) in seeking to suggest that the Appeal site is close to a hamlet and a settlement for the purposes of the NPPF. Even if the Council is correct in this assumption, then all this means is that the Appeal site would not be "isolated" for the purposes of the NPPF, which would be yet a further reason for its approval. The policy exception is about allowing country houses of outstanding quality, even if they are "isolated" from a settlement. It is obviously not intended to make "isolation" a necessary pre-requisite to benefiting from the principle of the country house exception. Even if the Appeal site were not "isolated", it can obviously benefit from the intention of the policy where the development proposed is of the requisite architectural quality as in this case. It is manifestly the case that the country house exception is not intended to prevent country houses of the requisite quality being provided in conjunction with a "small hamlet" and this would make no sense from any policy perspective. The Council has fundamentally misunderstood the policy itself.
- 7.2.7 The comments of Mellor Parish Council claim that the description of the site being isolated when it is in close proximity to other residences is disingenuous. There is, however, no basis for this. The Parish Council ignore the fact that the nearest residences do not form a settlement: each is set at a distance from its neighbour, thereby creating a scattered pattern of individual dwellings. Additionally, the way in which Woodfold Hall was originally inhabited meant that it was home to only one family and a place of employment for many, which would not have constituted a hamlet. But as already pointed out above, even if it were correct that the other residences form part of a hamlet, or something similar to a hamlet, and a hamlet were to be treated as a settlement, it is fundamentally wrong to interpret the NPPF as meaning that the country house exception cannot apply. That lacks any logic or coherence and represents a basic misunderstanding of the intention of the policy.
- 7.2.8 The matter of isolation is addressed further within the Planning Statement (**Document D32**) and also Leading Counsel's Opinion (**Document D34**), and may need to be discussed through Inquiry if the Council's erroneous interpretation is pursued.
- 7.2.9 RfR 1 also alleges that the development would result in dependence upon the use of private motor vehicles with reference to RVCS policy DMG3, but this ignores NPPF paragraph 84 which recognises there are specific circumstances in which the provision of new homes is prioritised over location and access to sustainable modes of transport, a thread that runs through several national policies and legislation, including the change of use of existing buildings under paragraphs 84(c) and 157 of the NPPF, and permitted development rights concerning the change of use of agricultural buildings under the Town and Country Planning (General Permitted Development Order) 2015 (GPDO, as amended).

- 7.2.10 Paragraph 109 of the NPPF also supports this view by acknowledging that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. To require all development to be located with access to sustainable transport would be to entirely disregard the intentions of the NPPF set out in paragraph 84 and in particular criterion (e) which supports the tradition of country houses.
- 7.2.11 Moreover, the Council has failed to understand the NPPF in terms of its glossary definitions in relation to sustainability and sustainable transport modes. These are specifically defined in the Glossary as follows “**Sustainable transport modes:** Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport.”
- 7.2.12 It must also be considered that developments in motor vehicle technology since the RVCS was adopted now means private motor vehicles have the potential to contribute to a low carbon future, as it is possible to drive electric vehicles powered by solar that contribute to a reduction in greenhouse gas emissions in accordance with paragraph 157 of the NPPF. Both ultra low and zero emission vehicles are specifically defined as sustainable transport modes for the purposes of the NPPF. Accessing the Appeal site by an electric car or ultra low emission car would be inherently sustainable under the NPPF and so the Council’s objection in this respect is misconceived. To this end, a condition requiring an electric car charger to be installed is included under Appendix Four.
- 7.2.13 For the reasons outlines above, the principle of development for an isolated home in the countryside is therefore established by the NPPF where of the requisite quality and regardless of what the Council refer to as reliance upon private motor vehicles. RVCS policies DS1, DMG1, DMG2 and DMG3 do not therefore apply.
- 7.2.14 Within the Officer Report under paragraph 2, mention is made to how “*details of rainwater pipes including their location and spacing are not included in the elevations and have the potential to significantly alter the character of the building.*” Again, this betrays a serious misunderstanding of the Appeal scheme and its quality. The simple but important reason for the drawings not showing rainwater goods is because they are to be installed within the facade rather than on the exterior to the dwelling. This detail was proposed as Woodfold Hall also has internal downpipes as designed by James Wyatt, this is more frequent in his later designs and therefore an appropriate detail to incorporate into the design. Drawing 383-01(27)001 (**Document D46**) clarifies that detail.
- 7.2.15 For the reasons summarised above, paragraph 84(e) establishes the circumstances in which country homes in isolated locations can be considered, irrespective of relying upon private motor vehicles and so RVCS policies DS1, DMG1, DMG2 and DMG3 do not apply in relation to the principle of a new dwelling outside of defined settlements.

7.3 Green Belt

- 7.3.1 RfR 2 raises concerns regarding the impact of the proposal on the Green Belt. However, the whole point of the scheme and its outstanding quality (coupled with the harm to be removed

and the opportunities for enhancement) is that it clearly satisfies the policy test under paragraphs 152 and 153 of 'very special circumstances' such that any harm to the Green Belt and any other harm is clearly and demonstrably outweighed by a number of other considerations.

- 7.3.2 The 'very special circumstances' include the outstanding quality of design of the proposed dwelling, which is a critical part of its raison d'être and a celebration of a country house tradition that is a policy exception the NPPF specifically retains in order to foster such development. The fundamental feature of this Appeal scheme is that it is a country-house of outstanding quality within the meaning of paragraph 84(e) of the NPPF and has been designed painstakingly as such from the very outset. The powerful and compelling evidence in support of the Appeal proposal and how it fully meets the terms of the exception in paragraph 84e is set out in various supporting documents (**Documents D25, D27, D28, D29, D32, D35, D36, D37, D40, D41, D42, D43, D46 and D49**). All of that evidence is specifically incorporated here, but without repeating it is again verbatim given the breadth and complexity of detail in support for the proposal. The various documents articulate the character of the site, its context and the history of Woodfold Park which has been found to offer an opportunity to explore through architecture and landscape design how the historic estates might have developed if changes in circumstance had been different either through continuation of Shorrock Green or if Henry Sudell had retained ownership of the Appeal site as part of Woodfold Park.
- 7.3.3 The execution of the design process resulting in a Neo-Classical Villa of truly outstanding quality has been separately assessed and verified by a number of highly qualified peers that are nationally recognised for their expertise in architecture, history and country houses. The Appeal is accompanied by their appraisals, opinion and letters of support under **Documents D35, D36, D37, D47, D48 and D50**. Their evidence is clear and irrefutable. The design of the proposed Villa is exceptional and of the highest architectural quality that complies with the requirements of paragraph 84(e) of the NPPF. The proposal is therefore a hugely important opportunity to deliver a house of the quality required by the NPPF and that should be celebrated.
- 7.3.4 The many outstanding merits of the design cannot be simply summarised and expressed within the Documents, due to the overall complexity and sophistication of the design rationale and process. The resulting design, which whilst appearing elegantly simple, is in truth intellectually complicated and sophisticated, not least because of the extraordinary depth of knowledge and careful artistic execution in the design process that has been invested (**Document D40**). The various peer reviews acknowledge the resulting exceptional quality. This, in and of itself, provides the clearest demonstration of very special circumstances to justify the proposed Villa in this location. The Appellant maintains that the detail and complexity of the underlying design ethos responding to the site context and the tradition of country houses would be best understood through the formal presentation of evidence at an Inquiry. However, if a hearing is to be retained, it will be important to ensure that the Appellant's experts have the ability to assist the hearing with explanation of the complexity of the design in due course.
- 7.3.5 Paragraph 153 of the NPPF identifies for the purposes of the Green Belt that very special circumstances will not exist unless the potential harm to Green Belt and any other harm is clearly outweighed. As already noted above, that is achieved by the outstanding quality of the

building itself. However, within RfR 2, RVBC allege the harm to be a loss of openness by virtue of the scale and siting of the built development. Again, this reveals a failure to address the policy correctly or assess any actual harm to openness generally or in terms of spatial and visual impacts. The Officer Report offers no real assessment as to the way in which the proposal or its constituents would actually affect openness, even though such an assessment is critical given that not every building or structure will automatically impact or actually cause harm on openness.

- 7.3.6 Instead of assessing the spatial and visual impacts of the proposal, the Officer Report alleges the loss of openness by virtue of scale and siting, and with reference to volume calculations comparing the existing equestrian buildings with the proposal in order to allege the scheme represents a disproportionate increase to the existing extent of development. This appears to be with reference to NPPF paragraph 154 which actually allows for proportionate extensions and alterations, and also redevelopment of previously developed land (where there is no such policy test within the RVCS). However, that additional exception is a separate issue from the assessment of the impact of the proposal upon openness. Additionally, scale is not addressed within the RVCS at all. Instead, policy EN1 simply refers to preserving openness and not conflicting with the purposes of the designation.
- 7.3.7 The Officer Report concedes the site is not completely open and that it is not wholly greenfield because it already contains development within the most open part of the site. But beyond that there is no assessment of the fundamental quality of the proposal in terms of its effects, and also no proper recognition of how the existing buildings on site present a relevant 'baseline' position to be considered. Nor is there any analysis which deals with the basic point that the Appeal proposal will remove existing buildings, thereby improving openness within the most visually sensitive part of the site. The calculations set out in the Officer Report simply offer the most elementary comparison of numbers which are not just incomplete, but also factually wrong. By way of example, the calculations do not include all elements of the existing development, such as the existing entrance gate posts that serve the equestrian development, even though the proposed gates for the Appeal scheme are included in the assessment of the built form to be created. By way of another example, the Officer Report includes reference to the proposed Lake Bridge within the volume calculation based on the premise that it could be 2m in height; but this is despite the fact that if a bridge reached a height of 2m over a length of 8.6m then it would be impassable and unsafe to function as a bridge.
- 7.3.8 Appendix Seven contains a copy of an email from the Agent to the Case Officer that includes a comparison of volumes which was sought during determination (**Document D39B**). However, this information is also incomplete as in calculating floor area, the correspondence with RVBC refers only to 'development', but it does not include the full extent of hardstanding which has a spatial impact that is strikingly evident when on site and within the Montages (**Document D44**). The images clearly illustrate the sprawling character of the existing equestrian development and how it has a greater spatial presence than the proposed dwelling, irrespective of any mathematical calculations. The matter of spatial and visual impacts, including calculations, is fully assessed in the Green Belt Statement (**Document D49**) which is incorporated but not repeated verbatim here.

- 7.3.9 Moreover, in respect of the existing commercial equestrian development, it is worth noting that RVBC's assessment of the previous applications relating to Woodfold Forge. In particular, Decision Notice 2012/0359 (**Document D55**) reached the conclusion that *"The proposed development would not seriously detract from the openness of the Green Belt."* Further buildings have subsequently been granted permission including application 2020/0011 (**Document D56**). So whilst the equestrian development was considered to be inappropriate development, the resulting potential impacts on openness were such as to be deemed acceptable since permission was granted for the scheme and it was concluded that the development did not seriously detract from the openness.
- 7.3.10 The existing buildings relate to a commercial equestrian business which is evidenced by the rateable value as being that of a commercial business (Appendix Five). Whilst horse riding might be viewed as outdoor recreation with reference to criterion (b) of paragraph 154, the development at Woodfold Stud is instead commercial in nature, which is not recognised as an exception to Green Belt policy under paragraph 154 of the NPPF because it is neither a recreation activity nor agricultural business. Paragraphs 152 and 153 of the NPPF would therefore have been applied in determining applications 2012/359 (**Document D55**) and 2020/0011 (**Document D56**) because the equestrian development does not otherwise fall under any of the exceptions mentioned under paragraph 154 or predecessors to this same paragraph.
- 7.3.11 Within RfR 2, RVBC also alleges that the proposal would result in a loss of openness by enclosing the landscape. However, these claims are untenable on any proper analysis, as there is already a scale of buildings on site with an established spatial and visual presence. The existing buildings are significantly more prominent than the proposal as they are located against Further Lane, where the belt of trees that runs along the southern boundary is more sporadic and offers views through to Woodfold Park. By contrast, the proposed Villa is to be located in a less prominent location and against a backdrop of tree screening where the more substantial tree belt is capable of being reinforced. Furthermore, the Appeal scheme is highly beneficial, not least because the proposal intends to remove the existing sprawl of equestrian development from its prominent location and the new building is designed to be of outstanding quality. Views of the proposed dwelling will, consequently, be more restricted than those of the existing development, as shown within the Montages (**Document D44**) and explained further within the Green Belt Statement (**Document D49**). It is therefore established that the proposal will not result in loss of openness that might give rise to harm either visually or spatially. However, if and to the extent that the new building is visible, far from harming or adversely affecting the landscape, it will significantly enhance it and, of course, raise the standards of design and architecture in this area and so be of significant visual benefit to the landscape in this location.
- 7.3.12 As to paragraph 153 of the NPPF, the proposal would not cause harm either spatially or visually to openness in any event. This is partly in consequence of the lack of views through the site. It is also partly because of the benefits of removing the sprawl of equestrian development across the more open end of the site. It is also partly because the scheme will deliver significant benefits in respect of raising design standards, through the exceptional design and enhancement to heritage value.

In addition, the proposal would not give rise to any harm with regard to the purposes of Green Belt. This is in consequence of the limited contribution the site already offers to such purposes, but also because the proposal will not adversely affect the character of the site (**Documents D29, D32 and D49**) but rather enhance it. Again, the Appellant would welcome the opportunity to give evidence on the effects of the proposal on the Green Belt at an inquiry, but failing that to address the issues at any hearing in greater detail.

- 7.3.13 The Appellant strongly disputes the notion that any harm (as compared with the very significant benefits that come from an outstanding design of this type) will arise based on any proper appraisal of the scheme as a whole. However, even if it were concluded that there is the potential for some harm, the harm is clearly and demonstrably outweighed by other considerations, including the very special circumstances summarised above in light of paragraph 153 of the NPPF. Besides being of exceptional design, there are significant heritage benefits from what is proposed (as outlined below). These represent another aspect of the very special circumstances and the type of considerable benefits that fully justify the Appeal scheme. Additionally, there are a number of other benefits in terms of ecology and affordable housing contribution that also add further cumulative weight to the benefits of the scheme and the outweighing of any potential harm, if any such harm is found to exist.

As such there are clearly very special circumstances in favour of the dwelling where the proposal will not give rise to harm to the openness of the Green Belt. Even if it considered it does, that harm is clearly and demonstrably outweighed by the benefits of what is proposed, which clearly constitute very special circumstances. (**Documents D29, D32 and D49**).

7.4 Heritage

- 7.4.1 Under RfR 3, RVBC asserts that the proposal would result in harm to the setting of the adjacent Grade II Listed Historic Park due to its siting, scale and design, and it is alleged it would be contrary to the NPPF, and policies EN5 and DME4 of the RVCS. These assertions are misconceived. The allegations involve a serious failure to address the Appeal proposal and the significant enhancements it would deliver to the heritage assets. These have been ignored by RVBC, with the consequential failure to seize the opportunity that this unique proposal represents for this area.
- 7.4.2 In fact, the significance of the existing estate has been diminished by degradation to the Registered Park and Garden ('RPG') and redevelopment of the various listed buildings within Woodfold Park, and also due to the unsympathetic siting of a commercial equestrian development within the Appeal site. The proposal represents an important opportunity to reverse such decline and harm that has already occurred by enhancing the setting of the heritage assets and by responding to the history of the site, repairing the landscape and visual setting to the heritage asset and offering an opportunity to repair sections of wall to Woodfold Park.
- 7.4.3 The Appeal site is located to the north of Woodfold Park, which consists of a Grade II Listed Hall, several Listed curtilage buildings and a Registered Park and Garden. The main gated driveway serving Woodfold Park is located to the east of the Appeal site where a sleeve of trees along the boundary provides physical and visual separation. A section of the Estate wall forms

the southern boundary to the site, where a belt of trees follows only sections of the boundary. To the south of the proposed dwelling is Woodfold Park Farm, which was converted into dwellings following granting of application 3/2001/0103. To the south west of the Appeal site are two houses built within the former walled garden granted under application 3/2003/0692.

- 7.4.4 Paragraph 195 of the NPPF directs that heritage assets should be conserved in a manner appropriate to their significance for future generations. As the Appeal site is located adjacent to a Registered Park and Garden and within proximity of several listed buildings then paragraph 201 of the NPPF applies and there is a need to assess potential impacts on the significance of the heritage assets with a view to minimising or avoiding any conflict. Additionally, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) directs that special regard is to be given to the desirability of preserving the setting of a listed building or any features of special architectural or historic interest and the weight to be afforded to conserving any significance is referenced in paragraph 205 of the NPPF.
- 7.4.5 Historic England's Register of Parks and Gardens (Appendix Two) records that Woodfold Park was laid out for Henry Sudell in the late 1790s to provide the setting for Woodfold Hall. A detailed description of the Park is provided in the Woodfold Character Study (**Document D26**) with an Addendum (**Document D45**) which explains in more detail the significance of all the heritage assets within it. A great deal of painstaking research has been undertaken to understand the history of the Park and to determine its significance (**Documents D25, D26, D27, D28, D40, D41, D42, D43, D44, D45 and D50**). The research has unveiled previously unknown information, including how Shorrock Green House predates Woodfold Park and is a Monument on the National Record of the Historic Environment ('NRHE') (Appendix Three) that once stood directly to the east of the current Huntsman's Cottages.
- 7.4.6 Woodfold Park was created for Henry Sudell, in the style of Repton, at the end of the C18. Whilst the Historic England Listing refers to James Wyatt designing the gate lodges, where Charles McNiven is suggested as being the Architect. It is understood that attributing the architecture to Charles McNiven is based upon a single sentence within a newspaper advert. Public records and further research instead suggest the buildings should in fact be attributed to James Wyatt as the design Architect (with contributions from both Nicholas Pevsner and Giles Worsley) where Charles McNiven is understood to be the site Architect, which is explained within the Design and Access Statement (**Document D25**). Irrespective of who was responsible for the design of the buildings, analysis has revealed that the buildings across Woodfold Park were intended to be viewed in isolation, linked by a network of paths and a carefully crafted series of landscaped spaces and waterworks, with different functions and visual qualities that together comprised a high-quality designed landscape.
- 7.4.7 Henry Sudell was a wealthy cotton merchant with cotton mills in Blackburn. According to Blackburn: The Evolution Of A Cotton Town: A History Of The Ancient Township Of Blackburn In Lancashire (1951) written by George C Miller, and quoted by Dr Crosby, Henry Sudell *"moved out to the great newly-built mansion of Woodfold, set in a large landscaped park. From this he could drive, with his flamboyantly painted coach drawn by fine horses, into Blackburn whenever business (political, social or commercial) beckoned."*

- 7.4.8 It is understood that having moved to Woodfold at the end of the C18, Henry Sudell experienced bankruptcy in 1827 due to *“the aftermath of a cotton slump and ill-judged financial dealings”* (Blackburn: The Evolution of A Cotton Town: A History Of The Ancient Township Of Blackburn In Lancashire, Written To Commemorate The Centenary Of Its Incorporation In 1851 pub. 1951 George C. Miller). Some original buildings were subsequently demolished, and the Appeal site was sold separately to the wider estate. This represents a pivotal point in the history of the Estate.
- 7.4.9 In 1952, Woodfold Hall was listed in an attempt to check its decline following removal of its roof in 1949. The Hall and its curtilage buildings continued to fall into a ruinous state until their redevelopment from 1996 to about 2003, which involved further splitting of the Land Registry Title. Today, the harm to the significance of the heritage assets caused by over-development and degradation of the landscape is clearly evident.
- 7.4.10 The Officer Report suggests works were undertaken to “restore the hall and estate buildings”, but the extent of alteration and extension means that these works clearly cannot be considered ‘restoration’ or ‘repair’ according to Historic England’s Conservation Principles: Policies and Guidance (2018) especially as little original fabric was preserved. The works can only be considered ‘development’ with reference to Section 55 of the Town and Country Planning Act (1990, as amended).
- 7.4.11 The character of that redevelopment is pertinent because the legislative framework for determining the works at that time emphasised the importance of preserving the significance of heritage assets (paragraph 2.12 of PPG15, 1994), which is still the case today. Despite this, RVBC approved extensive alterations, demolitions and development that were not in character or sympathy with the significance or heritage values of the assets. This included significant alterations and unsympathetic extensions to Woodfold Park Farm and demolition of the original stable block to Woodfold Hall replacing this building with a three storey building that has little architectural merit.
- 7.4.12 Any assessment of the significance today can only conclude that little value remains, as explained within the Woodfold Character Study and its Addendum (**Documents D26 and D45**), and the history that predates Woodfold Park has been almost wholly erased. Consequently, whilst paragraph 205 of the NPPF requires great weight to be given to conservation, proper consideration needs to be given as to what might be conserved with a view to preserving the remaining significance.
- 7.4.13 The degraded condition of Woodfold Park itself has resulted in its inclusion in in the Heritage At Risk Register by Historic England. The Register entry states the redevelopment *“has impacted significantly upon the historic character of the designed landscape in the immediate vicinity of the principal buildings. Management of the wider parkland for agriculture, principally dairy farming, is further diminishing the character of the landscape.”* Vulnerability is rated ‘high’ and condition ‘declining’ as a result of multiple ownership.
- 7.4.14 Lancashire Gardens Trust (LGT) has inexplicably claimed that *“Woodfold Park... is largely unaltered and surrounded by an agricultural landscape beyond its stone boundary wall.”* To

suggest Woodfold Park is “largely unaltered” is clearly inaccurate and fails to recognise its inclusion within the Heritage At Risk Register. The Opinion provided by Kate Felus (**Document D48**) provides an explanation of just how far the degradation of the parkland has reached, whilst the Addendum to the Woodfold Character Study (**D45**) sets out the level of significance that is to be afforded to the remaining heritage asset.

- 7.4.15 The extensive analysis and research supporting the proposal identifies the features of Woodfold Park that should be conserved. However, the original features are subject to ongoing harm and in circumstances where RVBC is unable to enforce the restoration of the parkland. The proposal cannot deliver the restoration of Woodfold Park; but it can, however, secure the repair and restoration of elements to the heritage assets in relation to the setting of Woodfold Park. It does this particularly by removing harm and enhancing the setting to Woodfold Park through the proposed removal of the equestrian buildings and associated activity, the delivery of the landscaping on the Appeal site and the delivery of the outstanding and exceptional design of the proposed dwelling. The proposal would be an important opportunity to restore some of the original intention of the landscaping in this location as well as celebrating the principles of the English Country House that was once a more evident feature of this area. Securing the benefits of restoration and repair outlined in submissions (**Document D27**) is expected to be achieved by way of planning condition (Appendix Four). This is possible because a section of the wall forms part of the Title to the Appeal site.
- 7.4.16 Looking at the spatial relationship of the Appeal site with Woodfold Park, plans and maps illustrate that the site is located immediately to the north of the parkland and west of the remaining driveway serving Woodfold Park.
- 7.4.17 Ordnance Survey Maps reveal the topography and how Woodfold Hall was built on a slope below a ridge, where Stanley House was built upon the summit to the north east. Consequently, Woodfold Park predominantly encompasses land on a south facing slope, where Woodfold Park Farm marks the highest point of the Estate. The driveway from the Hall to Further Lane is therefore on a decline from the wider Estate, where the northern slope once formed the separate landscape known as Shorrocks Green that served Shorrocks Green Hall from the C14. The proposed dwelling will therefore be located on the opposing hillside to Woodfold Hall and the parkland, where the juxtaposition provides limited opportunities for views between the Appeal site and Woodfold, irrespective of the spatial relationship. This is explained further within the Green Belt Statement (**Document D49**).
- 7.4.18 This is an important point when reviewing the misconceived assertions in RfR 3, as RVBC wrongly and inexplicably allege that the proposal would result in harm to the character of the adjacent Grade II Listed Park when that is clearly not the case, and RVBC is obviously ignoring the enhancements it secures. The Officer Report refers to concern as to the potential impacts of the proposal on the setting of the RPG where the asserted concerns are limited to specific vantage points. These vantage points are appraised with the Green Belt Statement (**Document D49**) which show the enhancement that will be achieved.
- 7.4.19 Importantly, the proposal is not considered by RVBC to have an impact on the setting of the Listed buildings, but instead RVBC is referring to private views from private residences set

within private grounds, rather than public views from public vantage points. Consequently, there is a basic point that even if any harm did exist, it would relate only to a limited number of private views where most internal views are not affected; to be weighed in balance with other considerations and significant public benefits identified from securing a proposal such as this.

- 7.4.20 Furthermore, the Officer Report has ignored the presence of the existing sleeve of trees that separates the driveway from the Appeal site where the visual separation is to be enhanced through a tree planting scheme. The Officer Report also ignores how views from Woodfold Park Farm are gained from those elements that were subject to extension and alteration, and are oriented with only views out of the parkland. As such, Huntsman Cottages and Woodfold Park Farm will actually benefit from the proposal, as they will once again be afforded the sense of being contained within the heart of the parkland through the proposed planting scheme.
- 7.4.21 The extensions to Woodfold Park Farm and the lack of tree screening mean the relatively modern and unsympathetic redevelopment of Woodfold Hall can be viewed quite plainly from Further Lane. There is no sense as to the nature of the building, its relationship to Woodfold Park or its significance due to its design, scale and siting. It could be mistaken for a modern care home rather than a curtilage building to Woodfold Hall. The intention of the Appeal scheme is to plant a belt of trees along its boundary with the Appeal site, so any remaining views from Further Lane should at least offer a sense of Woodfold Park Farm once again being set within landscaping designed to complement the pattern of intimate spaces within Woodfold Park and where it will once again enjoy the same sense of seclusion as the other curtilage buildings.
- 7.4.22 As to public views, the Officer Report refers to specific views from the junction of the driveway to Woodfold Hall with Further Lane or else along the length of Further Lane itself. There will, beneficially, be some ability to see the proposed dwelling over the top of the existing hedge and through gaps within the proposed landscaping scheme. However, views of the dwelling are plainly not harmful, but beneficial which is explained within the Green Belt Statement (**Document D49**). Such views (albeit limited) will reveal a Villa of outstanding design quality, of extraordinary architectural quality which will enhance any viewing experience and represent the continuation of an important tradition of permitting the delivery of the English Country House where such pleasure and aesthetic benefit is taken from the creation of such buildings within a rural landscape. Moreover, these potential beneficial views need to be assessed in comparison with the poor quality of the existing vista, the beneficial relationship with the nearby heritage assets, and in light of the basic purpose of paragraph 84e of the NPPF.
- 7.4.23 In these respects, RVBC's whole approach simply ignores the poor quality of the current vista from Further Lane towards Woodfold Park, a poor quality which represents the baseline for assessing the potential beneficial visual impact of the scheme on the designated heritage assets. The Officer Report does not make any mention of the impact of the existing commercial equestrian use of the site and the harm it represents, nor the conclusions reached when permission was granted for the buildings to be erected. The Officer Reports in respect of the permissions granted for the equestrian development offer an insight into RVBC's stance. Decision Notices under reference 2012/0359 and 2020/0011 (**Documents D55 and D56**). In relation to 2012/0359, it is stated *"The proposed development would not seriously detract from the openness of the green belt; it would not adversely affect the setting of the Historic Park and*

Garden or the listed Woodfold Hall; nor would it result in any detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.” In relation to the subsequent permission granted the Officer Report states “the proposed development will be visible from vantage points within Woodfold Park and the surrounding Historic Park and Gardens... Given the development already present at the site it is not considered that the proposed extension to the stable building and caravan will significantly impact on the heritage assets when compared with the existing arrangement.”

- 7.4.24 Despite confirming the availability of views between the equestrian development and Woodfold Park, and that harm would arise as a result of permitting that development, RVBC supported the extension to the commercial equestrian development on the basis that harm had already taken place and any additional harm was not as great as that which had already occurred.
- 7.4.25 The Appeal scheme therefore creates an opportunity to address the harm created by the previous decisions that allowed the equestrian development, as the intention is to remove all traces of the modern commercial development and enhance the landscaping in the style of Repton. As such, the proposal will secure a significant benefit in conserving and enhancing the setting to the heritage asset.
- 7.4.26 Maps show quite clearly how the Appeal site abuts Woodfold Park, and the history of landownership clearly ties the Appeal site to Shorrocks Green in the C14 and subsequently Woodfold Park (**Document D26 and D45**), albeit there is little current visual understanding of these relationships on the ground today beyond the impression in the ground of the old path. Instead, the existing equestrian development serves to reinforce an anonymity to the richness of the heritage of the Appeal site and the parkland beyond. Where views of the proposed dwelling would be gained, then the architecture and quality of the landscaping will clearly invoke a sense of being part of Blackburn’s notable heritage of country houses once more (**Document D42**). This is something that cannot currently be gained from the character of the commercial equestrian buildings and use of land.
- 7.4.27 Mellor Parish Council raise an important point in their comments, which is that Henry Sudell paid for Further Lane to be re-routed north to its current line “*as a deliberate move to take it away from Woodfold Park.*” Whilst the Parish Council assert that the proposed dwelling is at odds with the design of screening the parkland from the road, the reality is that the proposal in fact repairs the screening and relationship of the site with the Estate (**Documents D7, D11, D27, D28 and D44**).
- 7.4.28 In RfR 3, the Decision Notice alleges the proposal would result in harm to the setting in relation Woodfold Park on the basis that the proposed dwelling would be significant in its setting and it is asserted this results in a new competing dwelling to Woodfold Hall in terms of size, scale and design. These allegations are clearly wrong and fail to acknowledge the wealth of historic research and expert opinions accompanying the application that fully explain why the proposal is of exceptional quality and wholly sympathetic to the historic context in terms of its location, design and scale.

- 7.4.29 Comparison drawings (**Document D43**) between Woodfold Hall and the proposed dwelling quite clearly show how the height, width and length of the proposed dwelling mean it is of smaller scale to Woodfold Hall. The scale of the proposed dwelling and how it compares to Woodfold Hall and the ancillary buildings is, however, best illustrated within **Document D44**, which is a collection of Montages. Any suggestion that the proposed dwelling competes in scale or stature with Woodfold Hall is clearly incorrect, especially within the context of the current sprawl of equestrian development on site.
- 7.4.30 Whilst the main thrust of conservation policy focuses on placing great weight on conserving heritage, paragraphs 195 and 205 of the NPPF make clear that this should be in a manner appropriate to the heritage significance with a view to enabling the enjoyment offered by a heritage asset. Additionally, paragraph 203(c) directs local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. More crucially, paragraph 212 states that local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance where proposals that preserve those elements of the setting that make a positive contribution to the asset should be treated favourably. In tying these threads together, it can be appreciated how the proposal offers a significant opportunity (not a source of further harm).
- 7.4.31 The inclusion of Woodfold Park on the Heritage at Risk Register and the harm caused by the redevelopment of the Hall and its ancillary buildings in the early part of the C21 (**Document D41**) mean that the significance might still attract great weight by virtue of the heritage designations alone, but there is clearly an opportunity to remove harm and better reveal the significance of the heritage asset. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Whilst the proposal cannot restore or repair any harm within the extent of Woodfold Park, it is able to secure repairs to the southern section of park wall (**Document D27** and Appendix Four), and enhancement to the setting by addressing current harm and securing new development to better reveal the history of the site. This is achieved without interfering either visually or physically with any of the features of special architectural or historic interest possessed by Woodfold Park.
- 7.4.32 There has been comment by objectors and consultees, as to the existence and location of Shorrocks Green and Shorrocks Green Hall that predate Woodfold Park, but this is addressed in the Woodfold Character Study (**Document D26**). There is no doubt as to the location of the Appeal Site within Shorrocks Green and the existence of Shorrocks Green Hall (Monument No.43533, see Appendix Three) where the Huntsman's Cottages are now located. Shorrocks Green Hall would have been a principal dwelling set within its own landscape encompassing the Appeal site. This historic context offers 'Woodfold Villa' as a potential replacement for the lost hall.
- 7.4.33 There is also a history of how Henry Sudell was forced to sell the Estate following bankruptcy and it was after this time that the Appeal site was sold separate to the rest of Woodfold Park, along with other outlying land. Such pivotal points in the history of the site offer alternative

opportunities that are quite distinct but of equal historic interest. In addition, the proposal engages with the question of what is expected might have become of the site by way of realisation of its historic evolution if circumstances had been different. The proposal therefore responds to the opportunity presented under paragraph 212 of the NPPF, which states that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. The merits of the opportunities largely underpin the case in support of the proposal, but are subject to debate, which is why an Inquiry is being sought.

- 7.4.34 Mr Musson, an expert in the English Country Houses (**Document D47**), eloquently describes the opportunity presented by the circumstances of the pivotal points in the history of the estate and how the design of the dwelling responds accordingly.
- 7.4.35 In terms of the proposed landscaping scheme, the intention is to remove all traces of the current equestrian use and once again visually link the Appeal site to Woodfold Park that was created by the re-routing of Further Lane by Henry Sudell (**Document D27**). The historical authenticity of the landscaping is recognised by TAG (**Documents D35 and D36**) and explained with clarity in the Opinion offered by Kate Felus (**Document D48**) who also confirms that the position and sweep of the driveway is appropriate and the positioning of a pond within the lowest part of the site is genuine. The laying of formal gardens within the immediate curtilage to the dwelling is also typical, where the detailed landscaping scheme (to be conditioned, see Appendix Four), will ensure specific details of the planting scheme to be approved. The opportunity to strengthen the sleeve of trees along the driveway is viewed as an opportunity to restore the existing belt and provide a replacement for when the sleeve fails in the future, which is expected given the trees are currently of the same single generation. The proposed landscaping provides an opportunity to reveal the significance of landscape design from the turn of the C18, which accords with paragraph 212 of the NPPF. It also acknowledges the presence of Shorrock Green Hall by reintroducing an avenue of trees between the proposed dwelling and the walled garden (**Document D7 and D27**).
- 7.4.36 With regard to the Registered Park and Garden, the Officer Report asserts that less than substantial harm will occur, which would mean NPPF paragraph 208 is engaged that requires any harm to be weighed against the public benefits of the proposal.
- 7.4.37 The Appellant has explained in detail why the assertion of harm is simply wrong and fails to recognise the significant enhancement that will be delivered. However, even if it were considered that any harm did arise, any such harm would be clearly and demonstrably outweighed by the benefits, including the benefit of removing the existing commercial equestrian development which RVBC recognises to cause harm to the setting of Woodfold Park. The proposal also offers an opportunity to repair the visual relationship of the Appeal site with Woodfold Park by once again presenting the land through its landscaping as setting to the parkland beyond.
- 7.4.38 The many benefits are clearly public benefits given the views from Further Lane and the fact that the proposal will better reveal the social value of Woodfold Park, which has been diminished by the redevelopment that took place at the start of the C21.

- 7.4.39 The Officer Report asserts that the development is not considered to result in enhancement to its setting or be sensitive to the characteristics of the area, but this makes no sense. Removing the equestrian development and undertaking the proposed landscaping scheme will result in clear enhancement, not just of the visual quality of the site but also the ecological value.
- 7.4.40 In addition to the heritage benefits of the proposal, the development will also secure substantial biodiversity net gains, as shown in the accompanying Metric Calculation (**Document D53**). It makes clear that an uplift of 41.23% is achievable. Such a gain represents a fundamental benefit of ecological value that weighs significantly in favour of the proposal with reference to paragraph 124 of the NPPF.
- 7.4.41 The landscaping scheme includes a new pond. This not only contributes towards an uplift in BNG, but it will create a new habitat that would not otherwise exist. The pond will also serve to improve surface water run-off rates in the immediate area due to its ability to allow for water percolation to be managed at a slower rate than at present. This has benefits to the wider area in managing flood risk, as it will assist with slowing down the flow of surface water downstream to the site.
- 7.4.42 The Officer Report acknowledges that there would be some public benefits in supporting employment for builders and craftsmen during the construction phase of the development, but this limited analysis ignores the long-term economic benefits of the proposal. Given the size of the property, it is reasonable to presume that various trades and services will be employed in its maintenance, including a house keeper, and internal and external cleaning companies, including for regular vehicles valeting. A groundsman will be employed to cut grass, weed, sweep and clear the areas of hardstanding and maintain boundaries. Regular arboricultural services will also be employed for hedge cutting, and seasonal pruning of trees. Maintaining the property clearly requires a multitude of different skills and services that will provide a variety of employment opportunities.
- 7.4.43 There is also the economic benefit to RVBC, as the development will attract Council Tax payments and at the highest rate, compared with the current equestrian development which does not pay Business Rates to RVBC despite requiring the services of RVBC, as the rateable value of the business falls below the threshold for business rates (Appendix Five). As such, the development will create additional income for RVBC that can be spent on public services.
- 7.4.44 Furthermore, there are social benefits associated with providing new housing, including not only a new country house, but also an affordable dwelling, as mentioned under paragraph 7.8 below. The importance of delivering a range of housing types to meet different housing needs is a clear message within the NPPF.
- 7.4.45 Moreover, RVBC's analysis completely ignores one of the basic benefits of the proposal which is that the outstanding design of the house, in its exceptional quality. This results in wider benefits than simply a new dwelling, particularly in relation to the wider social benefits of raising the standards of architecture within the area through the significance of the design.

7.4.46 Overall, the proposal is intended to deliver significant public benefits in respect of addressing the harm of the current use of the land and by better revealing the significance of the setting to Woodfold Park, whilst also raising the standards of architecture within the area through a dwelling of exceptional value. The wider public benefits of the Appeal proposal that have been identified attract considerable weight in the heritage balance as set out in paragraph 208 of the NPPF. These benefits are considered to far outweigh any less than substantial harm asserted by RVBC, especially when those heritage assets are properly considered in conjunction with previous redevelopment that has occurred, the lack of active management, and the degradation of the setting to the heritage assets following approval of inappropriate development that has occurred but which the Appeal proposals will remove or ameliorate.

7.5 Visual Amenity

7.5.1 Within RfR 4, RVBC alleges that the proposal would result in an incongruous form of development which would be harmful to the visual amenity of the area due to its scale and design, and urbanising impact contrary to RVCS policies DMG1 and DMG2 and the NPPF. Again, the Appellant strongly contests this misconceived claim. The accompanying Montages (**Document D44**) comprehensively illustrate the basis for the opposing conclusion on the matter of visual amenity, and that the Appeal proposal instead represents a very significant enhancement to the visual amenity of the area.

7.5.2 The current character of the commercial equestrian development is harmful to the visual amenity of the Registered Park and Garden, which is recognised by RVBC within the Officer Reports for applications 2012/0359 and 2020/0011 (**Documents D55 and D56**).

7.5.3 The existing buildings are not agricultural, which is alleged in the Officer Report. Instead, the buildings accommodate a commercial use run on an intensive basis which harms the setting to Woodfold Park. Moreover, overgrazing of land leads to the degradation in the quality of grassland and in turn this affects the appearance of the pastureland.

7.5.4 The visual impact of the existing development represents a baseline position against which a comparison can be made with the Appeal proposal in considering any allegations of harm. In addition, it is noted that RVBC has asserted the proposal would have an urbanising impact. However, this assertion is made without any reference to the existing character of the equestrian development or the level of harm it affords to the setting of Woodfold Park. In contrast to the existing character of the site, the Montages (**Document D44**) of the Appeal proposal present a very much improved visual impression for the area, whereby the Villa is carefully located in a more secluded part of the site and the more open part of the site presents mostly renewed grassland and tree planting as part of an attractive parkland landscape that would enhance the visual amenity of the area.

7.5.5 As to the curtilage to the dwelling, the whole site will offer grounds and setting to the house in the style of an English Country House, but the extent of actual curtilage (i.e. land immediate around and serving the dwelling) is very limited with minimal hardstanding and beautiful gardens defined around the house, along with the area of land stretching to boundary to the east and south of the house. All the land to the west, and much of the land to the north will provide amenity parkland rather than curtilage. There are no permitted development rights for

the land forward of the front elevation of the proposed dwelling, so any contention in respect of curtilage is largely irrelevant.

- 7.5.6 The Officer Report claims that the proposal is not considered to result in enhancement to its setting, or to be sensitive to the characteristics of the area, but this is untenable. The plans and drawings demonstrate the quality of what is proposed. All of the supporting information and the expert opinions on architecture, country houses and historic landscape design concur in explaining the opportunities presented by the proposal to reverse visual harm and repair the setting to Woodfold Hall that this proposal for a country-house that accords with paragraph 84(e) represents.
- 7.5.7 As to appropriateness, there is a fundamental point that RVBC has failed to recognise, which is that there is a long tradition and heritage of Blackburn residents with resources building large country residences along the ridge line of the historic industrial town, as addressed in **Documents D42 and D50**. The Appeal site is located along a notable section where Stanley House and Woodfold Hall still stand, and where there was also once Shorrock Green.
- 7.5.8 Additionally, the Officer Report fails to recognise how the architecture associated with the design of country houses is clearly intended solely for a rural context, which is a tradition dating back centuries and evident from many notable examples. It is naïve to suggest the architectural style of the proposed dwelling is somehow incongruous when the Design and Access Statement (**Document D25**) and Proportions of Classical Architecture (**Document D40**) explain at lengths how the proposed dwelling follows the principles of Palladian architecture associated with that of traditional country houses. **Documents D47 and D50** are also relevant to this point.
- 7.5.9 The design principles in the design of the house have been informed by the unique historic character of the site and its surroundings, as explained in various documents, including **Documents D25, D26, D35, D36, D37, D40, D45, D47 and D48**. These documents evidence the considerable knowledge and experience of classical architecture that has been invested in designing the proposed dwelling. The endorsement of the design by several experts, is clear proof that the proposal accords with the design criteria set out in policy DMG1 of the RVCS.
- 7.5.10 Just as Henry Sudell set out with the services of James Wyatt to create a high quality and beautiful country residence at the end of the C18, Mr Hussain is today intending to do the same with the same care and attention that was originally afforded by Mr Sudell. Grounded in extensive research on the history of the area, appraisals of the landscape context and expert architectural ability, the proposal not only satisfies the considerations set out under paragraph 84(e) of the NPPF, but also paragraph 139. This lends significant weight to outstanding design that helps raise standards of design in the area.

7.6 Ecology and Biodiversity Net Gain

- 7.6.1 In light of the three points raised regarding ecology in RfR 5, an updated Preliminary Ecology Assessment ('PEA') (**Document D52**) accompanies the Appeal. The updated PEA includes yet further explanation in respect of the potential effects of the proposal, and the opportunities for mitigation and delivery of ecological enhancement. Supplementary information is provided in respect of Biodiversity Net Gain ('BNG') (**Document D53**).

- 7.6.2 RfR 5 suggested that the proposal has failed to demonstrate it provides necessary mitigation. That is not the case, as the original PEA (**Document D30**) sets out the various potential impacts / constraints on development and options for mitigation. However, the updated PEA now sets out yet further additional detail in respect of the presence of the individual species and appropriate mitigation.
- 7.6.3 Both the original and updated PEAs make clear that mitigation can be dealt with by way of condition before development commences. A list of draft conditions has been included under Appendix Four.
- 7.6.4 Within the first part of RfR 5, the Decision Notice suggests the landscaping proposal fails to provide and protect wildlife corridors and to enhance their connectivity with the nearby Woodfold and Jeffery Woods Biological Heritage Site. The Officer Report provides further detail and refers to how the hedgerow along Further Lane is a Priority Habitat. Again, there is no substance to these criticisms.
- 7.6.5 A proposed landscaping scheme was submitted as part of the application. This illustrates the creation of a pond, and tree and hedgerow planting. The pond provides a means of dealing with surface water, but will also create a new habitat to attract a greater variety of species. The existing sleeve of trees to the east and south east, and hedgerow along Further Lane is to be reinforced with additional planting where the existing entrance into the equestrian development is to be replaced with a new section of hedge. Contrary to the statement in the Decision Notice, the proposal will materially improve connectivity into the wider area and specifically the Biological Heritage Site.
- 7.6.6 In stating that BNG is dependent on outstanding survey work in RfR 5, the Officer Report fails to address the concept of BNG properly and how the measure of existing and proposed habitat units across a site bears no relation to the presence of protected species.
- 7.6.7 **Document D53** sets out the findings of the BNG metric calculation and how the proposed landscape scheme is likely to deliver in the region of 41.23% BNG. This far exceeds the Government's statutory target of 10% and accords with policy DMG1 of the RVCS and represents a significant benefit of the proposal.
- 7.6.8 Securing a monitored landscape plan by way of condition will ensure that appropriate BNG can be delivered from the development to accord with policies EN4 and DME3 of the RVCS, as well as the NPPF and the requirements of BNG Legislation.
- 7.6.9 The final element of RfR 5 was a contention that *"The proposal fails to adequately protect and enhance protected species and habitat"*. Again, that is simply not the case. The Appeal proposal will both protect and enhance protected species and habitats as the accompanying information clearly demonstrates. As with any development, one would expect further survey work to be undertaken in the delivery of that development once permitted, but that is not a basis for objecting to what is proposed.

- 7.6.10 Moreover, in relation to protected species, it is standard that all necessary licenses on application to Natural England will be obtained in respect of the handling and moving of a number of protected species. Section 5.2 of the updated PEA sets out in detail the potential for the site to provide suitable habitat for protected species and any evidence of what has been found to date.
- 7.6.11 It is typical for construction work to be required to commence outside of the main bird nesting season, which is usually dealt with by way of a condition. A suitable draft condition is included under Appendix Four, along with wording for a separate condition to require an ecologist to survey the buildings and land to check for protected species before work commences.
- 7.6.12 Specific contentions are raised in respect of the protection of bat foraging, including flight routes across the area. However, there is no basis for this concern. Typical measures usually involve limiting light levels along site boundaries. A draft lighting scheme (**Document 51**) has therefore been prepared and assessed with a view to demonstrating that a suitable scheme for external lighting can be installed where light levels are not sufficiently bright to cause harm. A draft condition has been included under Appendix Four concerning approval of a suitable lighting scheme to protect bats in the future.
- 7.6.13 The Officer Report refers to how Himalayan Balsam and Rhododendron ponticum have been found on site and sets out a requirement for a contamination report. Such a report is not required as these plants do not give rise to soil contamination that might be a risk to human health. A draft condition is therefore included under Appendix Four concerning submission of a method statement to deal with the eradication of the invasive species.
- 7.6.14 In summary, the information provided in support of the Appeal serves to demonstrate how the proposal complies with Key Statement EN4 and policy DME3 of the RVCS, the NPPF and BNG legislation.

7.7 Highways

- 7.7.1 RfR 6 asserts a *“failure to demonstrate that the proposal site access arrangements are safe and suitable to serve the development in compliance with Policy DMG1”*. This comment relates to Lancashire County Council Highways’ request for information to demonstrate that the proposed site access offers satisfactory visibility splays based on the national speed limit for Further Lane.
- 7.7.2 Enclosed with the Appeal is a technical note prepared by Sanderson Associates (**Document D54**). Appendix C to the technical note includes a drawing that illustrates how the access can be served by appropriate visibility splays based on local circumstances and actual speeds.
- 7.7.3 **Document D54** therefore demonstrates that the proposed access does comply with the access considerations set out under policy DMG1 of the RVBC.

7.8 Affordable Housing

- 7.8.1 During the determination process, the Applicant raised the matter of RVBC’s affordable housing policy, which requires under Key Statement H3, a 30% contribution on sites over 0.2 hectares. In an email dated 1st September 2023, the Applicant agreed to provide a dwelling offsite that

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could be secured by way of a planning obligation (Appendix Six). The Case Officer acknowledged the offer, but no mention is made within the Decision Notice or Officer Report to the policy requirement. A draft planning condition has therefore been included within Appendix Four which allows for the affordable housing contribution to be secured.

8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 This Appeal statement of case summarises the Appellant's grounds for requesting that the Appeal be dealt with by an Inquiry and the Appellant's response to each of RVBC's reasons for refusal. The overall case offers compelling evidence as to why this Appeal scheme should be allowed as it represents a vitally important opportunity to realise a building of outstanding quality of the highest architectural design set within a designed landscape that will deliver considerable benefits to the area, including this Green Belt location.
- 8.2 Planning law requires the Appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the statutory development plan is considered to be either out of date or silent on the important material considerations presented by paragraph 84(e) of the NPPF, and so policies within the NPPF direct that permission should be granted unless any adverse impacts would demonstrably or significantly outweigh the benefits when assessed against the policies in the Framework as a whole.
- 8.3 Paragraph 84(e) sets out important considerations for isolated homes in the countryside of exceptional design quality. Paragraph 139 offers significant material weight in respect of outstanding design that helps raise the standard of design more generally in an area, irrespective of location. The significant weight to be afforded to raising design in an area as a result of outstanding design is therefore distinct and separate from the opportunity under paragraph 84(e) for isolated homes in the countryside that are of exceptional quality.
- 8.4 In the context of Green Belt, it is clear that very special circumstances exist because the proposal accords with paragraph 84(e) of the NPPF. However, it is also considered that very special circumstances exist because of the outstanding design which accords with paragraph 139.
- 8.5 In the context of paragraph 208 of the NPPF, RVBC has incorrectly asserted that the proposal would have less than substantial harm on the heritage assets whereas in fact it would deliver enhancements.
- 8.6 Exceptional and outstanding design can be considered to be a public benefit and, in accordance with paragraph 139, it is to be given significant weight. When this significant weight is added to the other public benefits, including enhancing the significance of heritage assets and repairing the landscape then a substantial amount of weight can be assigned to the public benefits when taken as a whole.
- 8.7 Redevelopment and degradation of Woodfold Park have led to a situation where the heritage asset now has limited significance. That limited significance is currently being adversely impacted by the existing use of the Appeal site for an equestrian business that is recognised to be harming the setting to Woodfold Park. The Appeal scheme offers a real opportunity to reverse the current level of harm resulting from the current use of the site and enhance the significance of the heritage asset by establishing a building that is sympathetic and appropriate to its context which is supported by paragraph 212 of the NPPF.

- 8.8 Having given special regard to the desirability of preserving the setting of features of special architectural or historic interest with reference to paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Appellant considers that the appeal scheme will deliver heritage benefits by enhancing the heritage assets in question. However, even if were considered that any harm did arise, it is clearly outweighed by the public benefits of the proposal. Furthermore, it has been demonstrated that the proposal complies with paragraph 84(e) and is supported by paragraph 139, and so very special circumstances exist to allow development with reference to paragraph 152 as those considerations outweigh the potential harm to the Green Belt. The Appellant therefore respectfully requests that the Appeal is allowed following an Inquiry.

APPENDIX ONE: LIST OF SUPPORTING DOCUMENTS

REF.	SUBMITTED PLANNING APPLICATION DOCUMENTS	PREPARED BY
D1	Statement of Case	Directions Planning Consultancy Ltd
D2	Site Location Plan	Shaw & Jagger Architects
D3	Decision Notice for 3/2022/0988	Ribble Valley Borough Council
D4	Officer Report for 3/2022/0988	Ribble Valley Borough Council
D5	Application Form	Shaw & Jagger Architects
D6	Existing Site Plan	Shaw & Jagger Architects
D7	Proposed Landscaping Plan	Shaw & Jagger Architects
D8	Proposed Site Plan	Shaw & Jagger Architects
D9	Proposed Ground in Context	Shaw & Jagger Architects
D10	Proposed Demolition Plan	Shaw & Jagger Architects
D11	Proposed Planting Scheme	Shaw & Jagger Architects
D12	Proposed Basement Floor Plan	Shaw & Jagger Architects
D13	Proposed Ground Floor Plan	Shaw & Jagger Architects
D14	Proposed First Floor Plan	Shaw & Jagger Architects
D15	Proposed Roof Plan	Shaw & Jagger Architects
D16	Proposed North and East Elevations	Shaw & Jagger Architects
D17	Proposed South and West Elevations	Shaw & Jagger Architects
D18	Proposed Elevations Portico	Shaw & Jagger Architects
D19	Proposed Long Cross Section	Shaw & Jagger Architects
D20	Proposed Short Cross Section	Shaw & Jagger Architects
D21	Proposed Section Site & Context	Shaw & Jagger Architects
D22	Proposed CGI	Shaw & Jagger Architects
D23	Proposed Garden Structures – Lake Temple	Shaw & Jagger Architects

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D24	Proposed Garden Structures – Monument, Obelisk, Entrance, Lake Bridge	Shaw & Jagger Architects
D25 A-R	Design & Access Statement (parts 1-18)	Shaw & Jagger Architects
D26	Woodfold Character Study	Ian Dieffenthaler
D27	Repairing the Landscape Analysis	Shaw & Jagger Architects
D28	Site Gardens Landscape Philosophy	Ian Dieffenthaler
D29 A-F	Baseline LVIA with Appendices	DRaW (UK) Ltd
D30	Preliminary Ecology Appraisal Report	CCNW Ltd
D31	Arboricultural Impact Assessment	Godwins Tree Surveys
D32	Planning Statement	Directions Planning Consultancy Ltd
D33	RVBC Pre-Application Response	Ribble Valley Borough Council
D34	Counsel Opinion by James Strachan 19 October 2022	James Strachen KC
D35	TAG Initial Peer Review	Traditional Architecture Group
D36	TAG Final Peer Review	Traditional Architecture Group
D37	Specialist Design Review Comment	Jeremy Musson

REF.	DOCUMENTS SUBMITTED DURING APPLICATION DETERMINATION	PREPARED BY
D38 A-B	Letter from Shaw & Jagger to Case Officer 7 February 2023	Shaw & Jagger Architects
D39 A-B	Letter from Shaw & Jagger to Case Officer 26 April 2023	Shaw & Jagger Architects

REF.	SUPPLEMENTARY APPEAL DOCUMENTS RESPONDING TO THE REASONS FOR REFUSAL	PREPARED BY
D40	The Proportions of Classical Architecture	Shaw & Jagger Architects
D41	Age of Surrounding Buildings	Shaw & Jagger Architects
D42	Blackburn Country Houses Gazetteer	Shaw & Jagger Architects

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D43	Woodfold Hall and Woodfold Villa Comparison	Shaw & Jagger Architects
D44	Woodfold Montages	Shaw & Jagger Architects
D45 A-B	Addendum to Woodfold Character Definition Study and Appendix	Ian Dieffenthaler
D46	Drawing 383-01(27)001 Internal Down Pipe and Gutter Detail	Shaw & Jagger Architects
D47	Jeremy Musson Letter	Jeremy Musson
D48	Opinion of Kate Felus	Kate Felus
D49	Green Belt Statement	Incola Landscape Planning
D50	Observations on Reason for Refusal 4	Jan Maciag
D51	Lighting Assessment	SHD Lighting Consultancy
D52	Updated PEA	CCNW Ltd
D53 A-B	Biodiversity Net Gain Metric Calculation	CCNW Ltd
D54	Technical Note on Access Visibility	Sandersons Associates
D55	Decision Notice for 2012/0359	Ribble Valley Borough Council
D56	Officer Report for 2020/0011	Ribble Valley Borough Council
D57	Statement of Common Grounds	Directions Planning Consultancy Ltd

APPENDIX TWO: WOODFOLD PARK LISTING

Location

The building or site itself may lie within the boundary of more than one authority.

SUMMARY OF HISTORIC INTEREST

A park laid out in the 1790s to accompany a country house.

HISTORIC DEVELOPMENT

Towards the end of the C18 Henry Sudell, a cotton manufacturer and financier of Blackburn, purchased several estates in the area, including Woodfold Park. This he imparked and, in 1798, called on Charles McNiven, an architect from Manchester, to build a new house. The house and park were sold in 1831 to Mr John Fowden Hindle, but he died shortly afterwards. The estate passed to various members of the Hindle family in fairly rapid succession. The Woodfold estate was sold c 1878 to Robert Daniel Thwaites, a brewer of Blackburn. On Thwaites' death in 1888 the estate descended to his only daughter, Elma Amy. Through Elma Amy Thwaites' marriage in 1888 to Robert Armstrong Yerburch, the estate became the property of the Yerburch family. It remains (1990s) in private ownership.

DESCRIPTION LOCATION, AREA, BOUNDARIES, LANDFORM, SETTING Woodfold Park, c 175ha, lies to the west of Blackburn, north of Pleasington, and c 1.75km to the east of Samlesbury Bottoms. From the northern end of the site the ground falls away steeply to the south, offering long views along the valley of the Arley Brook to south and east. Much of the park is bounded by a high stone wall, beyond which lies an agricultural landscape. Further Lane twice touches the park at its north-west corner and the southern boundary is formed by Pleasington Road.

ENTRANCES AND APPROACHES The main drive leads off the A677 road at the north-east corner of the site, through the gateway at Mellor Lodge (listed grade II), the pair of lodge houses probably being of the 1790s, possibly to the design of James Wyatt. From here the drive runs westwards through a narrow strip of woodland before breaking out into the park at the gateway at Middle Lodge (listed grade II). This pair of lodges again probably dates from the 1790s and is likely to be the work of James Wyatt. From here the drive continues westwards across the park to arrive at the south front of the Hall.

A second imposing gateway marks the entrance to the site from the public lane to the north, the drive here leading south to Woodfold Park Farm, where it branches eastwards to run through a band of woodland to join the east drive or continues south to the Hall.

The access from the south is via the drive from Pleasington Lodge which stands on the Pleasington Road, the public road marking the southern boundary of the site. From here the drive leads northwards across the park, crossing the Alum House Brook as it runs east/west across the southern end of the park. The route continues past Old Woodfold Farm and the White House, then along the west side of White House Wood, which forms the eastern boundary of the site. The drive then bends sharply to the west to cross between two ponds, dog-legging back to run north up the steeply sloping ground to the Hall.

PRINCIPAL BUILDING Woodfold Hall (formerly Woodfold Park, listed grade II) stands, unoccupied and derelict (1995), at the northern end of its park, enjoying views along the valley to the south and east. Built of sandstone rubble with the main facades of ashlar, the south front is of nine bays, the centre three flanked and separated by pilasters under a tetrastyle portico. To the rear (north), two wings run back to enclose a courtyard, their inner walls now collapsed.

GARDENS AND PLEASURE GROUNDS To the south of the Hall the ground is levelled to form a rectangular platform, supported by drystone walls. North of the Hall wooded pleasure grounds lead to the track which forms the walled northern boundary of the site. Within the pleasure grounds, 100m to the north-east of the Hall, stands an early to mid C19 orangery (listed grade II).

PARK The park is set within farmland from which it is separated by a 3m high stone wall, 6.5km in length. To the south of the Hall lies parkland, divided from the farmland to the west by a broken wooded belt, and contained to the east by Old Woodfold Wood which here clothes either bank of the Arley Brook. Within the northern end of the wood is a sawmill; at the southern end, the brook leaves the site under the Alum Scar Bridge (listed grade II).

To the east of the Hall is a broad swathe of parkland, across which runs the east drive. The land falls from the northern boundary to the stream, the Arley Brook, which runs along the valley floor, Jeffery Wood beyond enclosing the south side of this stretch of the park. The flow of the Brook is broken by a series of weirs.

On the east side of the park, within Jeffery Wood, is Jeffery Pond. Below and to the south of the lake is a second, more extensive body of water, White House Pond, the south drive crossing the dam between the two. White House Pond lies parallel to the south drive, the two being separated by a strip of parkland sloping down to the water's edge. On the west side of the Pond, within Old Woodfold Wood and 100m from the water's edge, stands an icehouse, probably of c 1800 (listed grade II).

KITCHEN GARDEN The kitchen garden lies 200m to the north-west of the Hall. It is enclosed on three sides by high brick walls, the fourth, the southern side, being open to the park and enclosed by a retaining wall.

REFERENCES Edward Twycross, Mansions of England and Wales 1, (1847) The Victoria History of the County of Lancashire 6, (1911), p 261

Maps OS 6" to 1 mile: 3rd edition published 1913

Description written: February 1999 Register Inspector: CB Edited: April 1999

APPENDIX THREE: MONUMENT LISTING FOR SHORROCK GREEN

Monument Number 43533

Hob Uid: 43533
Location: Lancashire, Ribble Valley, Mellor
Grid Ref: SD6380029670
Summary: Shorrock Green (site of) (Demolished c.1868)
More information: [SD63802967 ASP.] Shorrock Green [TI] (1)

'Shorrock Green. The family of Shorrock appear here at an early date. William and Henry, sons of Roger de Shorrock, occur about 1300. Richard de Shorrok was one of the largest contributors to the subsidy of 1332 William his son was a freeholder here in 1336. John de Shorrock contributed to the Poll tax in 1379: and his son an heir William was in possession of 'Old Shorrock' in Mellor in 1411. Geoffrey Shorrock made his will before witnesses in 1459. For a long period the descent of the estate cannot be traced, but ultimately it passed to the family of Clayton of Blackburn." [Not shown on current (1913) 6" sheet.] (2)

The site of SHORROCK GREEN lies within an area of wooded ground on the east side of the drive leading to WOODFOLD PARK FARM. HUNSTMAN'S COTTAGES, a terrace of three cottages of 19c. date stand about 30.0m to the west of the site. Miss PARKER, who lives in the north end residence, has heard of the name of SHORROCKS GREEN and suggested the house was dismantled when the cottages were erected. She has lived here for 70-odd years, but never saw any remains of the house in that time. (3)

APPENDIX FOUR: DRAFT PLANNING CONDITIONS

The following conditions are simply to deal with mitigation arising from the proposal rather than general conditions required to manage the construction process or to ensure the development is constructed in accordance with the application documents. Each condition is modelled on conditions found within Decision Notices, the Planning Inspectorate Model Conditions and with reference to paragraphs 55 and 56 of the NPPF.

Materials

Construction above foundation level shall not take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

Drainage

The site shall be developed with separate drainage systems for foul and surface water, including measures to ensure that surface water does not discharge or transfer on the highway, which shall be maintained and managed thereafter.

Electric Car Charger

Prior to the occupation of the development hereby permitted a Mode 3 type electric vehicle charging point on a dedicated circuit with a minimum current rating of 16 Amps shall be installed and made operative, and space laid out within the site for secure cycle storage. The charging point and parking shall be maintained clear of any obstruction and retained as such thereafter, until in the case of electric vehicle charging facilities, they are superseded by any advanced technology.

Wall Repairs

Before first occupation of the dwelling hereby permitted the section of wall separating Woodfold Park from the application site along the southern boundary will be repaired. Details of the sections to be repaired are to be submitted to and approved in writing by the Local Planning Authority before any development commences and the works are to be inspected to confirm completion to the Local Planning Authority's satisfaction before first occupation of the dwelling.

External Lighting Plan

Prior to the installation of any external lighting an external lighting scheme to comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or later versions) shall be submitted to and approved in writing by the Local Planning Authority. Once approved development shall be carried out strictly in accordance with the approved details.

Tree Protection

All retained trees and vegetation shall be fully safeguarded by protective fencing and ground protection in accordance with Arboricultural Impact Assessment and specifications and the provisions of British Standard 5837: (2012) Trees in relation to design, demolition and construction. The developer shall maintain such fences until all development the subject of this permission is completed.

Unexpected Contamination

The Local Planning Authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works and operations in the affected part of the site shall cease.

Where remediation of unexpected significant contamination is considered by the Local Planning Authority to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of development on the affected part of the site. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

Bats, Owls and Bird Boxes

Evidence of bat roosting and swallow-nesting opportunities and of a barn owl nest box on the site shall be submitted to and approved in writing by the local planning authority prior to first occupation.

Nesting Season

No building demolition, ground works or tree works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the buildings and trees for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Detailed Landscaping Scheme

Within three months of commencement of development a detailed landscape scheme for both soft and hard landscape shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. This scheme shall be implemented within a period of six months of the practical completion of the development.

Any trees or plants which within a period of ten years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Biodiversity Net Gain

Prior to the commencement of development a scheme for biodiversity enhancement of the wider site area shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in strict accordance with the approved details.

Affordable Housing

No development shall commence on site until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with Key Statement H3 of the Ribble Valley Core Strategy. The scheme shall include:

- i) The affordable housing provision to be made
- ii) The timing of the provision of the affordable housing
- iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing

APPENDIX FIVE: VALUATION OFFICE RECORD FOR THE RATEABLE VALUE OF THE EXISTING
EQUESTRIAN BUSINESS

Woodfold Forge, Further Lane, Mellor, Blackburn, BB2 7QB

Valuation

[Help with current valuation](#)

[Compare properties](#)

Valuation

Current rateable value (1 April 2023 to present)

£4,200

This is the rateable value for the property. It is not what you pay in business rates or rent. Your local council uses the rateable value to calculate the business rates bill.

[Estimate your business rates bill](#)

Valuations for this property

Valuations [?]	Effective date [?]	Rateable value
CURRENT 1 April 2023 to present	1 April 2023	£4,200

**APPENDIX SIX: EMAIL CORRESPONDENCE CONCERNING KEY STATEMENT H3:
AFFORDABLE HOUSING**

From: Kathryn Hughes <Kathryn.Hughes@ribblevalley.gov.uk>
Sent: Thursday, July 13, 2023 11:55 AM
To: Francis Shaw <francis@shawandjagger.com>
Subject: RE: 3/2022/0988 Land Adj. to Further Lane and Woodfold Park Mellor

Dear Francis

Apologies for the delay in responding we are working on this at the present time with a view to try and issue the decision this week. Thank you for confirming your stance on affordable housing contribution. I appreciate the extension of time and we are working towards this.

Regards

Kathryn Hughes

Kathryn Hughes
Principal Planning Officer
Economic Development and Planning
Ribble Valley Borough Council
Kathryn.Hughes@ribblevalley.gov.uk
www.ribblevalley.gov.uk



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Further information and additional advice on permitted development rights and submitting planning applications can be found at www.planningportal.co.uk

From: Francis Shaw <francis@shawandjagger.com>
Sent: Thursday, July 13, 2023 11:10 AM
To: Kathryn Hughes <Kathryn.Hughes@ribblevalley.gov.uk>
Cc: Ed Jagger <ed@shawandjagger.com>; Matt Massarella-Gill <matt@shawandjagger.com>; Kathryn Jukes <k.jukes@directionsplanning.co.uk>
Subject: Re: 3/2022/0988 Land Adj. to Further Lane and Woodfold Park Mellor

⚠ External Email

This email originated from outside Ribble Valley Borough Council. Do **NOT** click links or open attachments unless you recognize the sender and are sure the content within this email is safe.

Hello Kathryn

Re: 3/2022/0988 Land Adj. to Further Lane and Woodfold Park Mellor

I haven't received as response to the email I sent below. Please would you respond. I need to know that you are issuing the decision this week and that you are content that a condition covers an offsite contribution to affordable housing. As yet I have had no clarification on either matter.

Kind Regards
Francis

Francis Shaw
Managing Director
Shaw and Jagger Architects Ltd
1 Cardale Park
Beckwith Head Road
Harrogate
HG3 1RY
Tel: 01423532950
Mob: 07540941395
Web: www.shawandjagger.com

On 10 Jul 2023, at 10:01, Francis Shaw <francis@shawandjagger.com> wrote:

Dear Kathryn

RE: 3/2022/0988 Land Adj. to Further Lane and Woodfold Park Mellor

Further to your email to Matt Massarella-Gill requesting an extension of time on the above application until the 14th of July. We agree to this extension.

Your email refers to affordable housing provision, which I don't believe has been mentioned at all in the previous 9 months since the application was submitted. We have confirmed our client's agreement to build a property offsite, in previous correspondence, given that policy H3 only commits our client to 30% of a dwelling. If necessary we will provide a draft s106 agreement but we would be happy with a condition relating to a contribution. Please would you confirm how you wish to proceed.

Kind Regards
Francis
Francis Shaw
Managing Director
Shaw and Jagger Architects Ltd
1 Cardale Park
Beckwith Head Road
Harrogate
HG3 1RY
Tel: 01423532950
Mob: 07540941395
Web: www.shawandjagger.com

APPENDIX SEVEN: EMAIL TO CASE OFFICER PROVIDING VOLUME AND FLOOR SPACE MEASUREMENTS

From: Matt Massarella-Gill
Sent: Friday, May 19, 2023 9:58 AM
To: 'Kathryn Hughes' <Kathryn.Hughes@ribblevalley.gov.uk>
Subject: RE: 3/2022/0988 Land Adj. to Further Lane and Woodfold Park Mellor

Hi Kathryn,

In that case, each garden structure is 100m³ albeit both are open-sided structures.

Kind regards

Matt Massarella-Gill RIBA
Architect

For and on behalf of Shaw & Jagger Architects Ltd



1 Cardale Park
Harrogate
North Yorkshire
HG3 1RY
01423 532950

matt@shawandjagger.com
www.shawandjagger.com

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STATEMENT OF CASE
ERECTION OF DWELLING AT LAND ADJACENT TO FURTHER LANE, MELLOR
PREPARED ON BEHALF OF MR HUSSAIN

Shaw & Jagger Architects Ltd
Registered In England
No. 07459270

From: Kathryn Hughes <Kathryn.Hughes@ribblevalley.gov.uk>
Sent: Friday, May 19, 2023 9:45 AM
To: Matt Massarella-Gill <matt@shawandjagger.com>
Subject: RE: 3/2022/0988 Land Adj. to Further Lane and Woodfold Park Mellor

Thanks Matt

My understanding is that any structures to be erected need to be included in the proposed volume?

Regards

Kathryn Hughes

Kathryn Hughes
Principal Planning Officer
Economic Development and Planning
Ribble Valley Borough Council
Kathryn.Hughes@ribblevalley.gov.uk
www.ribblevalley.gov.uk



Further information and additional advice on permitted development rights and submitting planning applications can be found at www.planningportal.co.uk

From: Matt Massarella-Gill <matt@shawandjagger.com>
Sent: Thursday, May 18, 2023 3:12 PM
To: Kathryn Hughes <Kathryn.Hughes@ribblevalley.gov.uk>
Subject: RE: 3/2022/0988 Land Adj. to Further Lane and Woodfold Park Mellor

⚠ External Email

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Hi Kathryn,

The volume figures are noted below. I have attached the already submitted demolition plan for ease of reference as this identifies existing structures A & B.

EXISTING

Structure A: 1610m³

Structure B: 104m³

2x shipping container @ 34m³: 68m³

Static caravan: 129m³

PROPOSED

House (inc orangery, excluding basement): 7464m³

N.B. I have not included the 2 proposed garden buildings (mausoleum & temple) as these are open-sided.

Kind regards

Matt Massarella-Gill RIBA

Architect

For and on behalf of Shaw & Jagger Architects Ltd



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Shaw & Jagger Architects Ltd
Registered In England
No. 07459270

From: Kathryn Hughes <Kathryn.Hughes@ribblevalley.gov.uk>
Sent: Thursday, May 18, 2023 10:28 AM
To: Matt Massarella-Gill <matt@shawandjagger.com>
Subject: RE: 3/2022/0988 Land Adj. to Further Lane and Woodfold Park Mellor

Hi Matt

Can you provide the volume the calculations for the existing buildings to be removed and the proposed structures? This will need to include all the proposed curtilage buildings as well as the main dwellinghouse. I have the history of the site so I am aware of the previous permissions and understand that the proposed temporary dwelling for the farrier's business was not constructed so this can not be taken into account. Therefore, it would only be the volume (not floor area) of the current existing structures that can considered.

Hope this helps.

Regards

Kathryn Hughes

Kathryn Hughes
Principal Planning Officer
Economic Development and Planning
Ribble Valley Borough Council
Kathryn.Hughes@ribblevalley.gov.uk
www.ribblevalley.gov.uk



Further information and additional advice on permitted development rights and submitting planning applications can be found at www.planningportal.co.uk

From: Matt Massarella-Gill <matt@shawandjagger.com>
Sent: Wednesday, May 17, 2023 5:28 PM
To: Kathryn Hughes <Kathryn.Hughes@ribblevalley.gov.uk>
Subject: RE: 3/2022/0988 Land Adj. to Further Lane and Woodfold Park Mellor

⚠ External Email

This email originated from outside Ribble Valley Borough Council. Do **NOT** click links or open attachments unless you recognize the sender and are sure the content within this email is safe.

Hi Kathryn,

Would you like a green belt assessment reviewing the purposes of green belt policy or is section 8.18 of the planning statement is sufficient? I have attached it to this email for ease of reference.

Kind regards

Matt Massarella-Gill RIBA
Architect

For and on behalf of Shaw & Jagger Architects Ltd



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