

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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APPEAL STATEMENT

TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/24/3339770
LPA Application Reference:	3/2022/0988

Appeal By:	Mr Hussain
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Against the refusal by Ribble Valley Borough Council to grant planning permission for:
Proposed erection of one private dwelling with landscaping and demolition of equestrian development.
Site Address:
Land adjacent to Further Lane and Woodfold Park, Mellor BB2 7QA

STATEMENT OF CASE SUBMITTED ON BEHALF OF THE
LOCAL PLANNING AUTHORITY

1 Introduction

1.1 This appeal is against the decision of Ribble Valley Borough Council to refuse planning permission 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 The application was refused under delegated powers on the 1st September 2023 for the following reasons:

1. The proposal would result in a new dwellinghouse outside of a defined settlement which fails to meet any of the exception criteria for allowing development in such locations and which would be dependent on the use of private motor vehicles. The harm that would arise from this development would be contrary to Key Statement DS1 and policies DMG1, DMG2 and DMG3 of the Ribble Valley Core Strategy 2008 - 2028 as well as the National Planning Policy Framework which supports sustainable patterns of development. There are no material considerations which justify deviating from the Development Plan in this case.
2. The proposal would result in inappropriate development within the Green Belt which would be harmful to the Green Belt character and would result in a loss of openness by virtue of the scale and siting of the built development and the enclosing landscape. There are no very special circumstances that exist to justify allowing this inappropriate development and loss of openness. Therefore, the proposal would be contrary to Key Statement EN1 of the Ribble Valley Core Strategy 2008 - 2028 and the National Planning Policy Framework.
3. The proposal would result in harm to the setting of the adjacent Grade II Listed Historic Park and due to its siting, scale and design would be contrary to Key Statement EN5 and Policy DME4 of the Ribble Valley Core Strategy 2008 - 2028 as well as the National Planning Policy Framework.
4. The proposal would result in an incongruous form of development which would be harmful to the visual amenity of the local area by virtue of the scale and design of the proposed dwellinghouse and the urbanising impact of the totality of built development proposed. This would be contrary to Policies DMG1 and

DMG2 of the Ribble Valley Core Strategy 2008 - 2028 as well as the design principles outlined in the National Planning Policy Framework.

5. The proposal fails to demonstrate that it has provided the necessary mitigation outlined in the submitted Ecology Report. In particular there are concerns about the landscape proposals which fail to provide and protect wildlife corridors and enhance their connectivity with the nearby Woodfold and Jeffery Woods Biological Heritage Site.

The submitted Ecology Report states that a Biodiversity Net Gain of more than 10% can be achieved. However, as this would be dependent on the outstanding survey work for Great Crested Newts, bats and nesting birds/barn owls this can not be substantiated.

The proposal fails to adequately protect and enhance protected species and habitat contrary to Key Statement EN4 and policy DME3 of the Ribble Valley Core Strategy 2008 -2028 as well as the National Planning Policy Framework.

6. The proposal fails to demonstrate that the proposed site access arrangements are safe and suitable to serve the development as such there are highway safety concerns contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028 as well as the National Planning Policy Framework.

2 Appeal Site and Surrounding Context

- 2.1 The appeal relates to an area of land approximately 5.68 hectares located adjacent to Further Lane, approximately 1km from Preston New Road (A677) to the west of the entrance to Woodfold Park (Grade II Listed Registered Park). The appeal site lies outside of any defined settlement limits within land designated as Green Belt. The site lies immediately adjacent to the Grade II Listed Woodfold Park and Garden to the east and south of the site. A small element of the application site lies within the boundary of the Park itself. The list entry for the park can be viewed here <https://historicengland.org.uk/listing/the-list/list-entry/1001341?section=official-list-entry>
- 2.2 The Park includes a number of residential properties of which Woodfold Hall, three lodges an Orangery, two bridges and an Icehouse are all Grade II listed buildings.

Woodfold Park is on Historic England's At Risk Register. Public Footpath 3-25-FP-69 runs to the north of the site alongside the boundary wall to the park.

3 Proposed Development for which consent is sought

3.1 The appeal seeks consent for the demolition of two buildings which were used for equestrian purposes and the erection of one detached dwellinghouse

3.2 The proposed dwellinghouse would be substantial at 25m x 38m x 12.3m with basement. Primary vehicular access would be provided off Further Lane which is a C classified road subject to 60mph speed limit. There are two accesses one which would serve the proposed dwelling and one which currently serves the equestrian development. As the proposed access is not currently in use details were requested to demonstrate that the proposed access can achieve the required visibility splays.

3.3 The submitted plans also detail the reopening of an existing access with new driveway and entrance gates and landscaped gardens and associated structures including a Lake Bridge, Mausoleum, Obelisk and a Temple entrance gates to be erected within the formal garden together with areas of woodland planting.

4 Relevant Planning Policy & Guidance

4.1 The planning policy context for the appeal site is set out at a national level by the National Planning Policy Framework (NPPF) and at a local level by the Ribble Valley Core Strategy (Adopted 16th December 2014).

National Policy Context

4.2 The National Planning Policy Framework (December 2023) provides the most up to date national planning policy context for the determination of the appeal and is therefore a material consideration in planning decisions.

4.3 The NPPF (Para.2) reaffirms that the planning system is plan-led and that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect

relevant international obligations and statutory requirements.

4.4 Para 83 seeks to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural circumstances. With planning policies identifying opportunities for villages to grow and thrive, especially where this would support local services.

4.5 Para 84 seeks to avoid the development of isolated homes in the countryside unless one or more of the stated circumstances apply. In this case the circumstances would be:

(e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards of architecture, and would help to raise standards of design more generally in rural area; and
- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

4.6 In terms of Green Belt policy para 152 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.7 Exceptions to this include:

- a) Buildings for agricultural and forestry;
- b) Provision for appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments provided that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan; and
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - Not a greater impact on the openness of the Green Belt than the existing development;or

- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.

Local Policy Context

4.8 The Ribble Valley Core Strategy 2008 – 2028 is dated 25th November 2014 and was adopted on Tuesday 16th December 2014. Relevant key policies are as follows:

- Key Statement DS1 outlines the Development Strategy for the Borough.
- Policy DMG2 outlines the type of development that would be acceptable in such locations.
- Policy DMG3 requires the decision maker to consider public transport and associated infrastructure to serve new developments.
- Key Statement EN1 states that the overall extent of the green belt will be maintained to safeguard the surrounding countryside from inappropriate encroachment and is consistent with the NPPF in this regard.
- Key Statement EN4 and Policies DME1, DME2 and DME3 consider biodiversity and protection of trees and woodland as well as site and species protection and conservation.
- Key Statement EN5 and DME4 relates to the protection of Heritage Assets.

4.9 In view of the Inspector's conclusions and the subsequent formal adoption of the Core Strategy the local planning authority considers that full weight should be given to the Core Strategy and that it is the starting point for decision making within the Borough.

5 Assessment of Proposed Development

Matter(s) of Principle

5.1 The appeal site lies outside of any defined settlement limits, as such Policies DMH3 and DMG2 of the Ribble Valley Core Strategy (RVCS) are fully engaged and the starting point for assessing the proposal.

5.2 Policy DMG2 of the RVCS seeks to restrict residential development outside of the settlement boundaries to that which meets a number of explicit criteria, with Key Statement DS1 setting out the overall spatial aspirations for general development within the Borough.

5.3 Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located 'in' principal and tier 1 settlements with the second part of the policy DMG2(2) being engaged when a proposed development is located 'outside' defined settlement areas or within tier 2 villages, with each part of the policy therefore being engaged in isolation and independent of the other dependant on the locational aspects of a proposal.

5.4 The mechanics and engagement of the policy are clear in this respect insofar that it contains explicit triggers as to when the former or latter criterion are applied and the triggers are purely locational and clearly based on a proposals relationship to defined settlement boundaries and whether, in this case, such a proposal is 'in' or 'outside' a defined settlement.

5.5 The proposal site is located outside of any defined settlement limits, in this respect, when assessing the locational aspects of the development, it is the secondary element of Policy DMG2 that is engaged (Policy DMG2(2)) which states that:

Within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:

1. *The development should be essential to the local economy or social wellbeing of the area.*
2. *The development is needed for the purposes of forestry or agriculture.*
3. *The development is for local needs housing which meets an identified need and is secured as such.*
4. *The development is for small scale tourism or recreational developments appropriate to a rural area.*
5. *The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*

5.6 In light of the above it cannot be considered that the proposal meets any of the exception criterion contained within Policy DMG2 and in turn Policy DMH3 of the RVCS in relation to the creation of new dwellings outside of defined settlement limits.

5.7 As such, the proposal is considered to be in direct conflict with Key Statement DS1, Policy DMG2 and Policy DMH3 of the RVCS insofar that approval would lead to the creation of a new residential dwelling, located outside of a defined settlement boundary, without sufficient justification - insofar that it has not been adequately demonstrated that the proposal

is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposal would meet any of the exception criterion inherently contained within either of the policies.

5.8 The appellant asserts at 7.2.15 of their statement that the aforementioned policies do not apply as the proposal is put forward under paragraph 84 of the Framework (formerly para 80 and before that para 79 and 55). The Council refutes this suggestion. Para 84 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

5.9 In respect of this appeal paragraph 84(e) is of primary relevance. However, the authority considers that if the proposed dwelling would fail to be considered as 'isolated' then paragraph 84 cannot be engaged in support of the proposal. The approach to the meaning of the term 'isolated' was considered by Court of Appeal in *Braintree District Council v Secretary of State for Communities and Local Government and Others* [2018] EWCA Civ 610.

5.10 The approach set out in *Braintree* was usefully summarised more recently by the Court of Appeal in *City and Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 320 (at 32 and 33):

"There is, therefore, no need for any further discussion of what is meant by the concept of "isolated homes in the countryside" in this policy. The essential conclusion of this court in Braintree District Council , in paragraph 42 of the judgment, is that in determining whether a particular proposal is for "isolated homes in the countryside", the decision-maker must

consider "whether [the development] would be physically isolated, in the sense of being isolated from a settlement". What is a "settlement" and whether the development would be "isolated" from a settlement are both matters of planning judgment for the decision-maker on the facts of the particular case.....

To adopt remoteness from other dwellings, instead of remoteness from a settlement, as the test for "isolated homes in the countryside" would seem inconsistent with the Government's evident intention in producing the policy in paragraph 79. It would mean, presumably, that the policy would not apply to a development of housing in the countryside – large or small – on land next to an individual dwelling remote from the nearest settlement, because although the new homes might be "isolated" from the settlement, they would not be "isolated" from existing development. It would prevent the policy from applying to the development of additional dwellings, one or two at a time, on sites next to other sporadic rural housing, again on the basis that they would not then be "isolated".

5.11 In relation to this matter regard must also be given to Lindbolm LJ judgment in Braintree in relation to the meaning of settlement (at 32):

What constitutes a settlement for these purposes is also left undefined in the NPPF. The NPPF contains no definition of a "community", a "settlement", or a "village". There is no specified minimum number of dwellings, or population. It is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement or a "village" for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. ...

5.12 In respect of the above it is recognised that there is no statutory definition of an isolated home, and therefore, each case will be considered individually and will be a matter of fact and degree, with a planning judgement for the decision-maker to decide whether a dwelling is 'isolated'. The requirement is that the homes is isolated from a settlement rather than simply from other dwellings. Therefore, the presence of nearby other dwellings alone will not mean that the home is not isolated. But if the characteristics of the area could consider a settlement, for the purposes of assessing whether the development is isolated, (which is a question of fact and degree rather than of policy) then the home will not be isolated.

5.13 In determining as to whether a proposal is considered 'isolated' (for the purposes of Paragraph 84 of the Framework), consideration must therefore be given in respect of the defining characteristics of the immediate area whilst having due regard to the above judgements.

5.14 The appellant asserts that the site is isolated being remote or separate from a settlement and refers to the definition of a settlement as listed within the RVCS glossary. However, this definition relates to that of a defined settlement for the purposes of identifying settlement boundaries and not for definition of a settlement, village or community and goes on to state that settlement smaller than this limit will not be given settlement boundaries as is the case here.

5.15 As noted in the Braintree judgement there is no definition of settlement, village or community or required number of dwellings that would constitute this. In this case the characteristics of the immediate surrounding area, despite the lack of local services such as a shop, is akin to that of a small hamlet. As such whilst the application site is outside of the core strategy defined settlements it is considered that the characteristics of the area reflect a settlement for the purposes of assessing whether the site would be truly 'isolated'.

5.16 As such it is not considered that the proposed development complies with the key component of Paragraph 84 of the Framework in terms of being isolated. As such the authority considers that Para.84 cannot be engaged in support of the proposal.

Paragraph 84(e) 'exception criterion':

5.17 If the Inspector is minded to be of the view that the proposed dwelling would be isolated and therefore paragraph 84 is engaged, then firstly this does not mean that the development plan policies do not apply as asserted by the appellant, and secondly the proposal must be assessed against the exception criterion within Paragraph 84, namely that of sub-criterion (e) which states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

e) the design is of exceptional quality, in that it:

- *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.*

5.18 The Primary Tests of Para 84(e) are:

- Must result in significant enhancement of immediate setting **AND**
- Reflect highest standards in architecture **AND**
- Raise standards of design **AND**

5.19 As such, failure to meet or satisfy any one of the criterion precludes the ability for the proposal to be considered acceptable under the exception criteria of Para 84(e).

5.20 Taking the first limb *'truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas'* the Council's case is as follows:

5.21 The appellant states that the proposal meets the tests at para 84e as it would be of an exceptional design. It is further submitted that it would significantly enhance the site which has previously been used for equestrian purposes as well as the adjacent Grade II Listed Woodfold Park and would continue the aim of the Park by providing an additional high quality designed residential property in addition to existing Listed properties and associated dwelling within the Listed Park by the erection of an additional property, for which justification has been provided on the basis that, it is felt this would have been erected had the original creator of the Hall and Park been able to retain and expand this historically. It is submitted that the proposal would raise the standard of design in rural areas and in particularly the Ribble Valley.

5.22 However, the dwelling presented is a house which takes reference from Georgian architecture. Georgian country houses in the area such as Stanley House and Read Hall have historic interest and as well as their architectural quality have significance because of their relationship to surrounding land uses, such as estates and parks and gardens. These houses developed due to a unique set of social, economic and political circumstances at the time. The reflected the status of the occupants and the clear social hierarchy of the time. Their influence on the landscape remains far reaching. In this regard the proposal is a pastiche and therefore not unique in terms of its style, and it could also detract from and confuse the significance of the historic Woodfold Park. The fact that an additional residential dwelling could have, in the

past, been considered as part of the future development of the Park has not been proven, and even if that was the case, it is not considered relevant in terms of current policy and therefore is not a material consideration. The site, in any respect, lies outside of the Park boundary and therefore any additional dwelling would have been most unlikely to have been sited here. The site is prominent on the approach from Further Lane and this would lead to conflict with the existing Hall and associated buildings. There is no conclusive evidence to suggest that this site would ever have been considered for this purpose. It was agricultural/equestrian land as an ancillary use to the Hall.

5.23 The proposed neoclassical country house design on a site that is agricultural in character cannot replicate the character of the historic estate of Woodfold Park and does not meet the test of being truly outstanding, it also cannot raise the standards of design more generally in rural areas.

5.24 The appeal proposal is considered to be a 'pastiche' of a historic country house introduced into an area that is agricultural in character. As aforementioned the historic estates grew up from a specific set of circumstances and contribute to our understanding of historic relationships between places. This proposal cannot replicate that.

5.25 It cannot be argued that the proposed dwelling would 'raise the standards of design' more generally in rural area. Particularly insofar that the clear elevational parallels between the proposed dwelling and that of Woodfold Hall are almost identical, in this respect such 'mirroring' could not be argued as 'raising' the standards of design insofar that 'raising' would require progression or a 'raising of the bar' in terms of an architectural or design approach. As such replication could not be considered as 'raising' of the standards of design.

5.26 The proposed dwelling and associated structures (obelisk, 'temple' and mausoleum') result in the creation of a false narrative in respect of the 'response to setting'. Particularly insofar that no clear rationale has been provided in respect of the associated structures, as such the proposal fails to be 'sensitive' to the defining characteristics of the local area.

5.27 The authority considers it cannot be argued that the proposal is 'truly outstanding'. Whilst it is accepted that the proposed dwelling embodies neo-classical and Palladian proportioning, this in isolation would not be considered as being 'outstanding'. Adopting an approach whereby such proportioning is inherent to the overall plan-form or elevational ordering does not inherently result in 'truly outstanding' architecture nor architecture that reflects the 'highest standards'.

5.28 Taking the second limb '*would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area*' the Council's case is as follows:

5.29 Whilst it is acknowledged that Woodfold Park has changed with the approval of the enabling development taking place in 2001 onwards which aimed to enable the restoration of the Woodfold Hall, the Orangery and associated buildings and land. However, the appeal site itself has remained outside of the Parkland and retained its ancillary use as equestrian with applications seeking to expand this use within the site boundaries.

5.30 It is considered that the proposal will have a significant measurable visual impact on the landscape which is currently characterised as being open land used for housing with associated structures. The fundamental cumulative level of visual change to the character and defining characteristics of the immediate and wider landscape resultant from the proposal, with the associated curtilage structures and extensive landscaped formal garden areas are not considered to be a visual enhancement or be sensitive to the defining characteristics of the local area. Particularly insofar that the immediate area possesses the characteristics of woodland park with associated listed Hall, farmhouse, lodges and Deer House and other dwellings that characterise the parkland setting. Notwithstanding the permissions to allow the conversion of the Hall and Farm (with extensions and alterations to accommodate this and provide modern accommodation standards with associated garages and curtilage. The immediate adjacent land is open land used for agricultural and equestrian which was common in order to support this rural setting.

5.31 In addition, it is not considered the siting of a dwellinghouse in this location could be considered beneficial in terms of landscape character with the planting of more trees/woodland along the boundary of the Park contrary to the concept of the Park which was carefully planned to reveal the Hall from vantage points within the Park and allow vistas from the Hall to be viewed. The substantial planting of trees goes against this ethos and therefore would impact on the setting of Hall and its Parkland.

Impact on the Openness of the Green Belt:

5.32 The site lies within land designation as Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

5.33 Key Statement EN1 of the RVCS states *'The overall extent of the green belt will be maintained to safeguard the surrounding countryside from inappropriate encroachment. The development of new buildings will be limited to the purposes of agriculture, forestry, essential outdoor sport and recreation, cemeteries and for other uses of land which preserve the openness of the green belt and which do not conflict with the purposes of the designation'*. This is consistent with the NPPF.

5.34 Section 13 of the NPPF states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless they meet one of the exception criteria listed in paragraph 149 of the NPPF; none of which apply here.

5.35 The development proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.

5.36 The last development implemented on this site was the construction of agricultural building for stables and a 40m x 20m ménage, construction of a new field access, gravel track and 6no. Parking spaces (planning application ref 3/2012/0359 relates). The building measures 12m x 16m x 3.5m to eaves (4.98m to ridge) which equates to approximately 814 cu.m.

5.37 The smaller stable block on site (approved in 2018) measures 3.66m x 8.5m x 2.9m high equating to 90.2 cu.m. This results in a total amount of 904.2 cu.m. of built form on the overall site.

5.38 The proposed dwellinghouse itself would measure a maximum of 25m x 38m x 12.3m with the basement resulting in an additional volume of around 2,800 cu.m.

5.39 The Temple would measure approximately 5.3m x 5.65m x 4m (5.5m overall height) resulting in a cubic volume of 148.23 cu.m.

5.40 The Mausoleum would measure approximately 4.95m x 4.95m x 4.4m (5.95m to pitch) resulting in a cubic volume of 126.80 cu.m.

5.41 The Lake Bridge would measure approximately 8.6m long with the width unknown at a maximum height of 2m resulting in a solid garden structure.

5.42 The Obelisk would measure 2.35m x 2.35m x 10m high resulting in another solid garden structure/folly.

5.43 This proposal would therefore result in a total amount of new built form of approximately 3,075cu.m. With the demolition of existing buildings on the site (904.2 cu.m) this would result in an increase of over 240% above that of the existing buildings. This is clearly a disproportionate increase.

5.44 In addition to a simple volume increase comparison, the proposal would replace existing lower lying buildings of a scale, design and appearance that are more typically found within a rural setting with a large residential dwelling house, associated structures and hard and soft landscaped features that would intensify, urbanise and domesticate the 5.68ha site. The scale of development would result in encroachment of the Green Belt, the design of development would result in a fundamental change in its character, and even the new planting would have the effect of enclosing a currently open and largely undeveloped site that positively contributes to the openness of the Green Belt.

5.45 As well as changing the immediate site character and reducing its openness, there are prominent views into and from the site which would mean that this loss of openness would be apparent from the site surroundings and undermine the openness of the Green Belt generally in this area.

5.46 Substantial weight is given to the harm by virtue of being inappropriate development in the Green Belt, and the harm by virtue of this loss of openness.

5.47 The application relies upon the proposal satisfying Paragraph 84e) of the Framework and contends that this would allow for 'very special circumstances' to outweigh any harm identified. If the proposal fails on this point then there can be no material considerations and the proposal automatically fails to satisfy the Green Belt Policy.

5.48 The appellant has submitted further information with the appeal statement in the form of a Green Belt Statement of Case (D49). This statement includes an assessment of the footprint of the existing structures including some not previously mentioned as part of the planning approval as well as the menage and driveway. The statement also includes a Landscape and Visual Appraisal as well as Landscape Character assessment despite Green Belt not being a landscape designation.

5.49 The LPA maintains its view that its assessment of the existing and proposed volume of built form on site alongside other matters is the correct approach as part of the spatial assessment of impact on the Green Belt.

Impacts Upon Heritage Assets:

5.50 The site occupies an elevated position to the north of Woodfold Park and associated listed buildings. The Park was designed with predominately south-easterly orientated which benefited Woodfold Hall with views along the downward sloping land in that direction. From Further Lane, the Park is largely obscured by the existing stone boundary wall, dense tree cover and buildings. However, there are views into the site from public vantage points along Further Lane and the public right of way 3-25-FP 69 which connects with Further Lane to the north of the entrance to Woodfold Park.

5.51 The proposal would significantly affect the character the Grade II Listed Parkland setting. A Heritage Assessment and Landscape Character Assessment have been submitted with the appeal.

5.52 The Grade II listed Woodfold Park was laid out in the 1790's providing the setting for Woodfold Hall. The park is currently on English Heritage Registered Park and Garden at Risk list, and English Heritage have recognised that the progressive development of the site has impacted significantly upon the historic character of the designed landscape.

5.53 Throughout the early 2000's Woodfold Hall underwent re-development in order to restore the hall and estate building. (Appendix 1a – 1c contains the committee report which relates to this development and Appendix 2 contains the associated decision notice).

5.54 The natural screening to the site ensures that the proposed development will only be visible from a few locations within Woodfold Park itself however, due to its position and roadside prominence the proposed dwellinghouse and associated manicured gardens would

be clearly visible from the approach to the northern entrance to Woodfold Park at various points along Further Lane.

5.55 The application site is located approximately 165m north of The Orangery and 125m north of Woodfold Hall both of which are Grade II listed buildings. The site is screened to some degree by the existing trees and shrubbery within the site. Whilst the proposed site would not be readily visible from the setting of The Orangery or Woodfold Hall and therefore the development would have little direct visual impact, however, the setting of the listed Park includes its curtilage and ancillary structures and how this would relate to its significance throughout the park resulting in emerging views of the imposing dwellinghouse and its structures from the Hall and associated buildings including 1- 10 Woodfold Park Farm and 1 – 3 Huntsman’s Cottages which are sited much closer to the site.

5.56 The site is located immediately adjacent to, but in the main outside of, Woodfold Park which is Grade II Historic Park and Gardens. A small section of the site to the south is within the Park boundary and immediately adjacent to the eastern wall of the garage block which serves Woodfold Park Farm.

5.57 The proposed dwelling would be significant in this setting and would be out of keeping, and compete with, the surrounding area, and more importantly Woodfold Hall, in terms of its size, scale and design. The materials proposed are stone elevations and slate roof, although no further details have been submitted. Whilst these could reflect those on the existing dwelling the introduction of a significant, large scale dwelling in this location with its emphasis on a renaissance design would then compete and conflict with the existing Woodfold Hall and associated building within an historic landscaped setting, this would be unacceptable for the historic location and introduce an inappropriate form of development together with its formal, landscaped gardens and associated structures within the historic setting of the park and the its associated buildings. The proposal would therefore result in direct harm to the setting of the Historic Park itself, and its associated listed buildings.

5.58 When enabling works for the Hall, Orangery and Deer House were approved in 2001 it followed a detailed and extensive report into the history of the site and the historic significance of Woodfold Park. It is this historic fabric that informs the relationship of these buildings and their setting. This report sets out the history of the park and Hall which were undertaken in 1797 and completed by 1800. The park has a strong natural topography and was designed to give vistas and perspectives with slopes woodland and water with a sharply defined ridge in front and behind to frame the view of and from the Hall.

5.59 It is important to understand how the Parkland and Woodfold Hall was established and much of this has been carefully documented by Alan G Crosby in August 2002 in The Landscape History of Woodfold Park. This document sets out the background to the estate, how it was acquired and then planned by Henry Suddell and the subsequent changes from 1852 until 1910. This document was used as part of the enabling development to restore the Hall and its historic features as part of the 2001 planning application. (Appendix 3 contains the full document for background).

5.60 This document sets out the scene as follows “The earliest plan which survives dates from 1828 and draws attention to the prominent front of the building and indicates the basis from of the park which still survives today albeit in a lesser condition – grassland, edged by woodland and dotted with carefully placed individual trees with a lake in the foreground which is identical with that of the original design. Therefore there is still a remarkable degree of similarity between the view of 1825, the plans of 1828 and 1831, and the present landscape. The design was extremely simple yet sophisticated: a great house, set against a backdrop of woodland on a steep slope, forming the dominant element in a massive sweep of grassland dotted with fine individual trees.”

5.61 This documents then explains that “Originally there was no house on the site of Woodfold Hall. Henry Suddall purchased several hundred acres of farmland mainly given over to pasture with a limited amount of arable. There were also patches of woodland, although their precise boundaries are not known. There was a significant amount of older woodland in the valley of Arley Brook. The conversion of pasture and meadow to grassed parkland was a relatively easy process, while the topography of the area (with prominent ridges to the north and south offering long views down to a deep valley) gave a strong underlying basis for the new landscape. Nonetheless, a substantial amount of civil engineering work was undertaken in order to reshape the landscape in certain key area.”

5.62 It goes on to list a description of the Hall from 1807 as “a very magnificent house (which has) lately been erected, of a bluish-grey stone, having in the centre a flight of steps with portico supported by four massy columns of the Corinthian Order”.

“The front elevation is the feature that attracts enthusiastic comment and today, now that the rear of the building has been demolished, it remains its outstanding feature. The house was precisely positioned to take the fullest advantage of the magnificent design from the front elevation, with a view extending across the valley towards Billinge Scar and also along the

valley to the north-east and south. The house also lies on a slight forward projection of the ridge, which makes a low natural platform slightly raised above the surrounding parkland but also clear of the woodland behind, so that the façade pushes forward into the park and its prominence is emphasised. The views of the house, from the valley, the park and the opposite slope, are the basis of the landscaping and the design of the park was very carefully structured to avoid detracting from that dramatic and stark architectural centrepiece.”

5.63 This proposal under consideration here would be too similar to the existing Hall to ensure that this development would not conflict with the existing Hall and subsequently result in competing dwellings to the detriment of the Hall, its associated hierarchy of buildings and the parkland setting itself.

5.64 Whilst this would be less than substantial harm, it would be towards the moderate end of the scale and therefore has to be weighed against the public benefits of the scheme.

5.65 The application claims to repair the historic park but as assessed above the development is not considered to result in enhancement to its setting or sensitive to the characteristics of the area. Furthermore there is no wider enhancement or enabling scheme for the Park.

5.66 It is accepted that there would be some public benefits in supporting employment for builders and craftsmen during the construction phase of the development, but this would not outweigh the harm to this historic park and its association with the Listed Buildings within it.

5.67 The proposal therefore would not enhance the significance of heritage assets or make a positive contribution to local character and distinctiveness as set out at para 203 of the NPPF. Nor would the proposed enhancements required by the construction of the dwelling which is harm in itself represent a public benefit as set out at para 208 of the NPPF.

5.68 This approach is reflected in the recent appeal decision for the Deer House and Woodfold Park Stud (Appendix 4 and Appendix 5).

Ecology, Trees and Landscaping:

5.68 The proposed landscaping plan and philosophy submitted does not reflect the proposals set out in the ecology report which would be necessary to reduce/mitigate potential impacts on protected species in particular bats habitats/foraging routes by providing dark corridors and a 30m buffer from the edge of the woodland in order to protect the

wildlife/foraging corridors along the north and east boundaries and leading to the nearby BHS site. Instead, the formalised garden would extend up to the eastern boundary, together with the proposed Temple and Obelisk which are to be sited along these boundaries and would therefore result in an intrusion in terms of activity and resulting light pollution into the proposed buffer/dark corridor.

5.69 Further surveys for Great Crested Newts, bats and nesting birds/barn owls are required.

5.70 The line of trees/woodland that bound the western and northern sides of the site form an almost continuous link to Jeffrey Wood and to over 90ha of protected woodland therefore any activities should not disturb or damage the woodland corridor or diminish this connectivity.

5.71 The hedgerow along Further Lane is a Priority Habitat as the western end of the site this has been assessed as poor condition. Any removal of hedge would require mitigation to ensure unlit habitat continuity. The lines of trees along the southern and eastern boundaries form unlit corridors of native habitat that could be used by bats.

5.72 The site could provide foraging and hibernating opportunities as well as commuting routes between sites.

5.73 A nesting bird method statement would be required to ensure a buffer around the site boundaries. Any site clearance during the nesting season (mid Feb to end Aug) would require checks by a competent authority. All the fields provide habitat for ground nesting birds with skylark and lapwing recorded locally. The small stable block has potential for nesting birds. A breeding bird survey with a minimum of three visits should be undertaken across the site.

5.74 Prior to demolition the two agricultural buildings would need to be assessed for bat roosts requiring two emergence/re-entry surveys. A repeat survey for badgers would also be required.

5.75 Lighting both external and potential light spready from internal fixtures should not project into a dark buffer a minimum of 20m from the internal edge of the northern and eastern boundaries. Appropriate bollard lighting away from the property with no vertical or horizontal light spill. An appropriate lighting scheme would need to be submitted as part of any approval to ensure light spillage is kept to a minimum, however, some of the built form and formal gardens expands upto the boundaries and therefore is likely to be unacceptable in this regard.

5.76 Work to mature trees would require pre-inspection by a licenced bat ecologist with a lighting buffer around mature trees.

5.77 The report states that a Biodiversity Net Gain of more than 10% can be achieved on the site, however, the proposed enhancement can only be fully considered once all the survey work has been completed and the full impact of the proposed development understood.

5.78 The Inspector will respectfully note that in support of the appeal the appellant has now further information submitted in the form of lighting assessment report (D51), Ecology update Jan 2024 (D52) and BNG (D53, 53A and 54B) which seek to address the issues raised during the course of the application.

5.79 In light of the additional details this has been taken into account and therefore the view of the Local Planning Authority remains unaltered on this ground as the further surveys previously required have not been undertaken and therefore doubt remains as to whether the proposal would result in harm in terms of ecology on the site from the proposal. Any external lighting scheme would need to refer to this evidence and subsequently take this into account prior to submission.

Highway Matters:

5.80 The Inspector will respectfully note that in support of the appeal the appellant has now submitted Technical Note – Access Visibility 157302-001-01 dated November 2023 and drawing 154504-001 Access Visibility Splay and 154504-002 Sight Lines to an Emerging Vehicle as part of the Appeal documents (D54). Which have sought to address the highway issues raised during the course of the application which were not satisfactorily addressed.

5.81 In light of the additional details and response from LCC Highways raising no objections on highway safety the Local Planning Authority no longer wishes to maintain refusal reason 6, which for the avoidance of doubt reads as follows:

6. The proposal fails to demonstrate that the proposed site access arrangements are safe and suitable to serve the development as such there are highway safety concerns contrary to Policy DMG1 of the Ribble Calley Core Strategy 2008 – 2028 as well as the National Planning Policy Framework.

6 Concluding Statement:

6.1 The proposed dwelling fails to meet the tests of 'isolation' for the purposes of paragraph 84(e) insofar that the presence of existing dwelling units, the character of the area and the spatial relationships between existing built-form in the area are akin to that of a hamlet in terms of a settlement. As such the proposed dwelling would not be considered as being truly 'isolated'.

6.2 Even if the Inspector was of the view that Paragraph 84 is engaged as the proposed dwelling is isolated, the proposal fails to meet the exception criteria of Paragraph 84(e) of the Framework insofar that the proposal does not reflect truly outstanding design that reflects the highest standards in architecture, nor would it help to raise standards of design more generally in rural areas, failing to be sensitive to the defining characteristics of the local area.

6.3 As a result of the above points, the proposal does not meet the 'exception tests' of paragraph 84 of the Framework. As such, the policies within the RVCS remain fully engaged for the purposes of assessing the proposal. In this respect approval of the proposal would lead to the creation of a new residential dwelling outside of defined settlement limits, within Green Belt, without sufficient justification.

6.4 The proposed would result in harm to and undermine the wider setting of the nearby listed historic houses, the immediate setting of Woodfold Park Grade II Listed and the historic heritage of the area, and in the absence of public benefits to outweigh such harm the proposal is considered to be in direct conflict with to the Paragraph(s) 203 and 208 of the Framework.

6.5 For the reasons outlined above, whilst having regard to all material matters raised, that the Inspector is respectfully requested to dismiss the appeal. Particularly insofar that approval would result in the creation of a new dwelling within the Green Belt and in close proximity to Heritage Assets resulting in significant direct conflict with the inherent locational and spatial aspirations for new residential development within the borough, as enshrined within policies of the adopted development plan, resulting in visual harm to the inherent character and visual amenities of the immediate and wider area.