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# Appeal Decision

Site visit made on 25 October 2022

**by K Williams MTCP (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 November 2022**

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**Appeal Ref: APP/T2350/W/22/3303764**

**Myrvel House Howgill Lane Rimington, Clitheroe BB7 4EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mrs Christine Parker - Cale against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/1222, dated 22 November 2021, was refused by notice dated 26 January 2022.
  - The development proposed is a small residential dwelling and carport.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have used the description on the application form, rather than the appeal form and Council's decision notice, as there was no indication that the change was agreed.
3. The original application was submitted for outline planning permission, with all matters reserved, and this is the basis upon which the Council considered the proposal. Therefore, I have considered the remaining details on the plans provided on the basis that they are indicative.
4. The appellants Design and Access statement refers to the redevelopment of Myrvel House and conversion of a barn. However, no plans were put forward in relation to this, and this does not form part of my assessment. The Council has referred to the proposal being a 2-storey dwelling in its officer report. The Design and Access statement sets out the building would be single storey.

## Main Issues

5. The main issues are:
  - whether the site is a suitable location for housing having regard to the spatial strategy of the development plan;
  - highway safety; and
  - the need for the dwelling with regard to personal circumstances.

## Reasons

### *Suitable location for housing*

6. The appeal site lies within the garden area of Myrvel House, which is located within the open countryside outside of any settlement. Myrvel House, is a two-storey detached dwelling which has a frontage to Howgill Lane. The proposed dwelling would be sited adjacent to it and accessed from Howgill Lane via an existing access track. Whilst there are various businesses and homes in the immediate vicinity the pattern of development is sporadic, and the site is isolated from most services and facilities.
7. The Council sets out its policy in Key Statement (KS) DS1 of the Ribble Valley Core Strategy 2008 -2028 (Core Strategy) that it seeks to direct new housing development towards the principal settlements and Tier 1 and 2 settlements. The appeal site falls outside of these locations.
8. Policy DMG2 of the Core Strategy applies the strategic principles contained in KS DS1. Outside settlements, as here, small scale development appropriate to a rural area would be expected to be evidenced by local housing needs surveys and assessments amongst other listed types of development. Whilst the appellant has specific needs, which I discuss below, such personal circumstances are not specifically referred to within the Council's policies as being a consideration to allow new homes outside of the locations within KS DS1.
9. Policy DMH3 of the Core Strategy lists a number of types of development considered suitable for a rural location. The proposal would not fall within the exceptions of the policy, which the Council sets out to deliver sustainable patterns of development.
10. As such given that I observed the site is isolated from day-to-day services and facilities, with no lit pedestrian footways or obvious public transport, it would not be in a suitable location for new housing development. Although the proposal is within the garden area of an existing dwelling, I also find it would not meet the exceptions for isolated homes in the countryside<sup>1</sup> as set out within the National Planning Policy Framework 2021 (the Framework).
11. I therefore conclude that the site is not in a suitable location for housing having regard to the spatial strategy of the development plan. Consequently, it would be contrary to Core Strategy KS DS1 and Policies DMG2 and DMH3 insofar as they relate to achieving sustainable rural housing. It would also not align with the aims of the Framework, in relation to isolated homes and sustainable transport objectives<sup>2</sup>.

### *Highway Safety*

12. The proposal will utilise an existing access, which leads to a field gate, from Howgill Lane. Whilst the use of the track would not restrict others' access, the Local Highway Authority has concerns it is not wide enough to serve 2 dwellings. The layout shown on the site plan, does not show that the access would serve 2 dwellings. However, there is the potential for conflict with other users of the track who access the field.

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<sup>1</sup> Paragraph 80 of the National Planning Policy Framework 2021

<sup>2</sup> Section 9 of the National Planning Policy Framework 2021

13. Although access is also a reserved matter, there is only one possible access point which is shown on the layout plan. The adjacent building on the opposing side of the access track to Myrvel House was set slightly further back from where the track met the highway. However, drivers' views to the left up the hill could be restricted by the adjacent stone building and property further up the hill. In my view, although it would be difficult to travel at the national speed limit given the narrowness and alignment of the road, it would not be impossible. Therefore, in the absence of evidence in respect of traffic speed or visibility splays I cannot be certain that the narrowness of the access nor failure to provide requisite visibility splays would not introduce the potential for conflict between road users if the use of the access was intensified as a result of the proposal.
14. I therefore conclude the proposal would have a detrimental impact upon highway safety. Consequently, it would be contrary to Core Strategy Policy DMG1. The proposal would also be contrary to the guidance within the Framework where it requires development to provide safe and suitable access to the site for all users.

#### *Personal Needs*

15. The Planning Practice Guidance states that planning is largely concerned with land use in the public interest<sup>3</sup>. The protection of purely private interests are not considered to be a material consideration. However, the appellant has set out their personal circumstances to justify the proposal. In the circumstances of this case, I find Article 8 of the Human Rights Act 1998 is engaged. I must also have due regard to the Public Sector Equality Duty contained in Section 149(1) of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability and age.
16. The appellant has provided several letters of support in respect of the proposal. [REDACTED]  
[REDACTED] The appellant's evidence sets out that due to the age and condition of Myrvel House, this is difficult to heat, maintain and that water supplies and pests make living at the property difficult. Stairs and the cold make it physically difficult to live in.
- [REDACTED]

18. I do not doubt that the new dwelling would be beneficial to the appellant's health and well-being. However, whilst I have great sympathy with the appellant's circumstances, limited evidence has been provided on the appellant's current accommodation and the benefits that would arise as a result

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<sup>3</sup> Paragraph 008 Reference ID 21b-008-20140306

of the proposal. Although I appreciate the practical difficulties and stress that would be caused by having to move to a different property, I consider the evidence before me does not justify a permanent dwelling. I also understand Myrvel House is over 2 floors, which mobility issues can make difficult to navigate. But there is not sufficient evidence before me to clearly explain why the existing building cannot be adapted or repaired.

### **Other Matters**

19. I have been referred to other properties that have had accesses approved nearby. I do not have specific details in front of me to consider the circumstances of those, and that includes details of whether they needed permission or achieved the requisite visibility splays. In any event, I do not have the evidence to be convinced the access as proposed would not be harmful. Notwithstanding approvals for larger homes in the area, I have no evidence of this or overall shortage of smaller single storey accommodation or absence of suitable accommodation in the area. As such these points and other development does not justify support for the proposal in these respects.
20. I note the Council has not raised any issue in respect of the effect on neighbouring living conditions, the relationship between Myrvel House and the appeal proposal or the effect on the landscape. This aspect and other elements of the proposal such as water supply, drainage and the height and number of storeys, could be dealt with through the imposition of conditions. However, these are neutral considerations which do not weigh in favour of the proposal.
21. Whilst it has been stated that the existing dwelling would benefit from renovation, which could occur with a new owner, there is no evidence that this would be the outcome. Nor is it clear whether there would be any greater benefit than those currently required by Building Regulations for the proposed environmental technology enhancements. Moreover, no mechanism has been presented to me to secure occupation of the dwelling in perpetuity for the appellant. These matters therefore carry limited weight.
22. I sympathise with the complexities of submitting appeal information and using online systems. However, this is not a matter which has any bearing on my assessment.

### **Planning Balance and Conclusion**

23. The development would provide one additional dwelling contributing to the overall housing land supply in the area, along with the social, economic and environmental benefits which arise from this. However, given the scale of the scheme, any such benefits would be relatively small and attract limited weight.
24. I have found that the proposal would not be in a suitable location for new housing and the proposal would conflict with the spatial strategy of the development plan and housing strategy. I have found that the proposal would be served by a substandard access to the main road and conditions could not be imposed to remedy this. I attach substantial weight to these matters and the conflict with the development plan.
25. In considerable favour of the appeal is the appellants circumstances. Dismissing the appeal would interfere with the appellant's rights under Article 8, since the consequence might be that the existing home may become unsuitable in the future, although I do not have sufficient evidence to be



certain of this. I have also had due regard to the PSED. However, the interference would be in accordance with the law and in pursuance of a well-established legitimate aim of avoiding isolated homes in the countryside and highway safety. This would also outweigh the benefits in terms of eliminating discrimination against persons with the protected characteristics of disability, and age, advancing equality of opportunity for those persons and fostering good relations between them and others.

26. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and there are no other considerations, including provisions of the Framework which outweigh this finding. Therefore, the appeal should be dismissed.

*K Williams*

INSPECTOR