

1.0 APPEAL STATEMENT

1.1 Planning appeal against the refusal by Ribble Valley Borough Council (RVBC) for the proposed alterations to existing roof lights at 2 Walled Garden, Woodfold Park, Mellor, BB2 7QA.

Planning application reference: 3/2023/0163

2.0 INTRODUCTION

2.1 The application was validated on 14.03.2023 and included the following supporting documentation:

- Location Plan
- Existing Site Plan
- Existing & Proposed Elevations
- Existing & Proposed Roof Plan
- Proposed Site Plan
- Heritage Statement
- Bat Survey
- Householder Planning Application Form

2.2 The consultation period expired on 04.04.2023. There were no objections raised to the proposal with only 2 consultee replies noted on file, these being the reply from the Gardens Trust and the Countryside Officer. I (the agent) emailed the planning officer on 10.05.2023 to enquire about a decision as the statutory period had expired. A reply wasn't received until 25.05.2023.

2.3 The reply from the planning officer advised that she had concerns with the bat roosts and the design change to quite simple elevations. The email ended with 'therefore, I think this will be a refusal' (see Appendix B).

2.4 An email reply was sent immediately to the planning officer seeking more clarity on the comments as the clients ecologist prepared a report which contained a method statement for reasonable avoidance and mitigation measures as an appropriate way forward for this specific project and the works involved. RVBC's in house specialist did not disagree with the ecologists proposal and suggested a condition for approval, although that email correspondence has since been removed from the online planning file (see Appendix A).

2.5 Further clarity was also requested on the design comments as it wasn't clear how the proposed design wasn't acceptable as the same work had been carried out by the next door neighbour on an identical property. The Gardens Trust did not wish to comment on the proposal. The only conclusion to be reached from this is that it did not see this modest change would impact on the special historic interest, otherwise they would have raised concerns and objected.

2.6 Instead of receiving an email reply from the planning officer the decision notice (REFUSED) was issued the next day (26.05.2023) providing the client with no way of discussing any options to overcome the case officers concerns.

2.7 The planning application was refused on 2 points, these were:

- *The proposal would introduce a discordant form of development which would unduly harm the simplistic, south facing elevation of the subject dwelling and would fail to respond positively to its setting within a Grade II Listed Historic Park. As such the*

proposal would conflict with policies EN5 and DME1 of the Ribble Valley Core Strategy 2008 - 2028.

- *The proposed development would result in a bat roost being disturbed as a result of the development, meaning that a license from Natural England (NE) would be required. As competent authority the Habitats Directive places a duty on local planning authorities to consider this, and in applying the three tests there is not considered to be a reasonable prospect of a license being granted. This would be contrary to Section 15 of the National Planning Policy Framework and policy DME3 of the Ribble Valley Core Strategy which seek to protect habitats and protected species and resist development proposals likely to have an adverse effect on these unless it can be clearly demonstrated that the benefits outweigh the local and wider impacts.*

3.0 PLANNING POLICY

In considering RVBC's first reason for refusal, the planning policy affecting the design aspect of the project are noted as policies EN5 and DME1 of the Ribble Valley Core Strategy 2008 – 2028. These read as follows:

3.1 KEY STATEMENT EN5: HERITAGE ASSETS

There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits. This will be achieved through:

- *Recognising that the best way of ensuring the long term protection of heritage assets is to ensure a viable use that optimises opportunities for sustaining and enhancing its significance.*
- *Keeping Conservation Area Appraisals under review to ensure that any development proposals respect and safeguard the character, appearance and significance of the area.*
- *Considering any development proposals which may impact on a heritage asset or their setting through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.*
- *Requiring all development proposals to make a positive contribution to local distinctiveness/sense of place.*
- *The consideration of Article 4 Directions to restrict permitted development rights where the exercise of such rights would harm the historic environment.*

3.2 ENVIRONMENT POLICY DME1: PROTECTING TREES AND WOODLANDS

- There will be a presumption against the clearance of broad-leaved woodland for development proposes. The council will seek to ensure that woodland management safe guards the structural integrity and visual amenity value of woodland, enhances biodiversity and provides environmental health benefits for the residents of the borough. The council encourages successional tree planting to ensure tree cover is maintained into the future. Where applications are likely to have a substantial effect on tree cover, the borough council will require detailed arboricultural survey information and tree constraint plans including appropriate plans and particulars. These will include the position of every tree on site that could be influenced by the proposed development and any tree on neighbouring land that is

also likely to be with in influencing distance and could also include other relevant information such as stem diameter and crown spread. The borough council will ensure that:

1. The visual, botanical and historical value, together with the useful and safe life expectancy of tree cover, are important factors in determining planning applications. This will include an assessment of the impact of the density of development, lay out of roads, access points and services on any affected trees.
 2. That a detailed tree protection plan is submitted with appropriate levels of detail.
 3. Site-specific tree protection planning conditions are attached to planning permissions.
- Tree preservation orders the borough council will make tree preservation orders where important individual trees or groups of trees and woodland of visual, and/or botanical and/or historical value appears to be under threat. The council will expect every tree work application for work to protected trees to be in accordance with modern arboricultural practices and current british standards.
 - Ancient woodlands development proposals that would result in loss or damage to ancient woodlands will be refused unless the need for, and the benefits of, the development in that location outweigh the loss of the woodland habitat. In addition, in circumstances where a development would affect an ancient woodland, the borough council will seek to include appropriate woodland planting and management regimes through planning conditions and agreements.
 - Veteran and ancient trees the borough council will take measures through appropriate planning conditions, legislation and management regimes to ensure that any tree classified identified as veteran/ancient tree is afforded sufficient level of protection and appropriate management in order to ensure its long term survivability.
 - Hedgerows the borough council will use the hedgerow regulations to protect hedgerows considered to be under threat and use planning conditions to protect and enhance hedgerows through the use of traditional management regimes and planting with appropriate hedgerow species mix.
 - Felling licences when consulted on felling licence applications, the council will attempt to minimise the short-term adverse impact on the landscape and ensure replanting schemes contain an appropriate balance of species to safeguard and enhance the biodiversity and landscape value of woodland. The contribution that trees and woodlands make to the character of the area is recognised by the council to be of significance. The council in establishing this approach to their management and protection is seeking to conserve and enhance the quality of the local area whilst recognising the need for sustainable development to be achieved.

In considering RVBC's second reason for refusal, the planning policy affecting the ecological aspect of the project are noted as Section 15 of the NPPF and Policy DME3 of the Ribble Valley Core Strategy 2008 – 2028. These read as follows:

3.3 SECTION 15 OF THE NPPF - CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

(c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

(f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework [58](#); take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads [59](#). The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas

177. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development [60](#) other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

(a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

(b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development

within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

179. To protect and enhance biodiversity and geodiversity, plans should:

(a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity [61](#); wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation [62](#); and

(b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

180. When determining planning applications, local planning authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons [63](#) and a suitable compensation strategy exists; and

(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

181. The following should be given the same protection as habitats sites:

(a) potential Special Protection Areas and possible Special Areas of Conservation;

(b) listed or proposed Ramsar sites [64](#); and

(c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with

other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

183. Planning policies and decisions should ensure that:

(a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

(b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under [Part IIA of the Environmental Protection Act 1990](#); and

(c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

184. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life [65](#);

(b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

(c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

186. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on

new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

188. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

3.4 POLICY DME3: SITE AND SPECIES PROTECTION AND CONSERVATION

Development proposals that are likely to adversely affect the following will not be granted planning permission. Exceptions will only be made where it can clearly be demonstrated that the benefits of a development at a site outweigh both the local and the wider impacts. Planning conditions or agreements will be used to secure protection or, in the case of any exceptional development as defined above, to mitigate any harm, unless arrangements can be made through planning conditions or agreements to secure their protection:

1. Wildlife species protected by law
2. SSSI's
3. Priority habitats or species identified in the Lancashire biodiversity action plan
4. Local nature reserves
5. County biological heritage sites
6. Special areas of conservation (sacs)
7. Special protected areas (spas)
8. Any acknowledged nature conservation value of sites or species.

Developers are encouraged to consider incorporating measures to enhance biodiversity where appropriate that will complement priority habitats and species identified in the Lancashire BAP. With regard to sites designated under European legislation the authority will follow the relevant processes as defined within the Habitats Regulations 2010. Development will not be permitted unless either it is established that it is not likely to have a significant effect on any Ramsar site or Natura 2000 site (including special protection areas, potential special protection areas, special areas of conservation, candidate special areas of conservation), either alone or in combination with other projects, or it is ascertained, following appropriate assessment, that it will not adversely affect the integrity of any Ramsar site or Natura 2000 site. The Habitats Regulations include provision for development which may cause an adverse effect on integrity to be allowed under exceptional circumstances. These include where there are no alternative solutions, imperative reasons of overriding public interest can be demonstrated and appropriate compensatory measures are implemented. In terms of the protection of the soil resource and high quality agricultural land development and land management practices should seek to avoid soil erosion; avoid contamination of land and promote restoration, protect the peat resource and recognise the importance of peat in particular for its carbon sequestration value, water quality improvements for both drinking water and biodiversity, reduction of local flood risk and reduction of moorland wildfire risk. The important link between soil quality, the natural environment and the landscape should be recognised.

By proactively considering these important features through the development management process the Council will deliver the Core Strategy vision and support the delivery of sustainable development reflecting the development strategy and key statements.

4.0 ASSESSMENT AGAINST POLICY

4.1 ASSESSMENT AGAINST POLICY EN5:

The building that is subject to this application was built around 2004 and is a modern interpretation of a barn type structure. The building is not a heritage asset and there is no heritage value to the building itself so this modest change to the rear elevation should have no impact to the character of the property itself, particularly in relation to Policy EN5.

The construction of the buildings was not thought to impact on the heritage value of the Grade II Listed Historic Park or they themselves would not have been approved. This modest change to the design cannot have a significant enough affect on the heritage value of the Grade II Listed Historic Park to warrant a refusal, after all the building itself is not an heritage asset.

The building was constructed as one of a pair of identical detached dwellings sat side by side. The proposed change to 2 no roof lights has already been carried out to the neighbouring dwelling. This was done without planning consent but with the change made it would be hard to know (in isolation) if this was part of the original design or not given its contemporary approach. Given this position it cannot be seen to introduce a discordant form of development which unduly harms the simplistic rear elevation.

Whilst using the neighbours development as precedent in a planning debate may not be absolutely correct, due to the fact that the works were carried out unlawfully, it can be looked at to give an accurate portrayal of how the altered building would appear on completion to see how it could harm the building and its setting within the Grade II Listed Historic Park. It is clear that the result doesn't cause harm to the building itself or the Grade II listed Historic Park.

Having both properties look the same would bring back the consistency of design which would be a better outcome than having them appear different.

As noted previously this modest change is to the rear elevation of the building. There is no public view of this elevation, it is over 200m from Woodfold Hall and over 300m from the closest point on the PROW (FP0710020) which is also screened by ancient woodland. This minor change to the rear elevation which already exists on the neighbouring building could not possibly have a negative impact on the setting within the Grade II Listed Historic Park.

For these reasons we do not believe this is a justified reason for refusal by RVBC and the decision should be overturned.

4.2 ASSESSMENT AGAINST POLICY DME1:

We do not believe there is any relevance in this policy that relates to the proposed minor alteration to the building. The change to 2 no roof lights does not require any works to or in close vicinity to trees where any of the necessary protection would be required.

The changes will not affect the structural integrity and visual amenity value of woodland, enhancement of biodiversity or environmental health benefits for the residents of the borough that the council seek to safe guard with this policy against this proposal.

For these reasons we do not believe this is a justified reason for refusal by RVBC and the decision should be overturned.

4.3 ASSESSMENT AGAINST POLICY DME3 & SECTION 15 OF THE NPPF:

The case officer noted that she had concerns over the bat roosts on her email dated 25.05.2023 but when questioned on what those concerns were she did not reply (see Appendix A), instead issuing the decision notice 'REFUSAL'

The client's consultant is David Anderson, an experienced ecologist and bat researcher with 25 years experience of fieldwork and bat ecology, a founder member of the East Lancashire Bat Group and 'Batworker.com', formerly a Natural History Curator and manager of the East Lancashire Biological Records Centre. (Natural England licence No:2015-15784-CLS-CLS, Conservation, Science and Education). Clearly an experienced specialist to advise on ensuring the proposed work can be carried out without impacting on protected species.

David has provided the following comments against the planning officer's report:

In the officer's report under the heading 'Ecology', it was stated that:

"A Bat Survey has been undertaken and submitted with the application which concludes that the presence of bats on the site means a likelihood of at least one pipistrelle maternity roost has been identified using the eastern and western gable ends of the building. It is concluded that the proposals would not affect the roost or roost entrances."

The survey identified the presence of a pipistrelle maternity roost using the eastern and western gable ends of the building and given the location of the proposed works, at some distance from roost entrances within the gable ends, it was considered that development proposals to alter existing roof lights in a distinct and separate area of the building would not affect the roost or roost entrances.

Survey effort was considered appropriate to characterise the roost potential of building and that the presence of a significant or low conservation value bat roost was unlikely in areas of the building highlighted for alterations due to the well-sealed nature of both the roofing slates and eaves, and lack of connectivity to areas of the building identified as in use by roosting bats.

Given that destruction of either bat roosts or bat roost entrances by proposed works had been ruled out, it was proposed that mitigation in the form of timing of works, and reasonable avoidance measures, was an appropriate method to manage the proposed development in order to address any potential for disturbance.

With this in mind within the method statement included within the report 'Timing of Works' were proposed with work to take place between September and March inclusive to avoid any disturbance to roosting bats.

This is in keeping with the mitigation hierarchy as stated in Natural England guidance (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>) :

"Avoid harm or disturbance"

To avoid harming or disturbing protected species proposals could:

- reduce the size of the development or alter its layout to retain the site's important habitat features*
- plan for construction work to be carried out at specific times to avoid sensitive times, such as the breeding season for wild bird*

In this case the roosts were being retained by the client and planned construction would avoid times when roosting bats were present, in order to negate any potential disturbance.

As an experienced licenced bat worker of over 20 years, who has held many mitigation licences, I strongly disagree that a Natural England Mitigation licence is necessary for the works to be carried out, given that timing and supervision of proposed works offered a reasonable approach to ensuring no offence was committed under either the Wildlife and Countryside Act or Habitat Regulations.

The risk of works disturbing roosting bats was easily mitigated by carrying out works at a time when bats would not be present, and by further ensuring that scaffolding avoided areas used by bats.

With such reasonable avoidance measures in place a Natural England licence is unnecessary and given the lack of any likely offence or negative impact would be unlikely to be granted.

Between September and March bats typically move from summer roosts to hibernation sites and given the south facing aspect of proposed works it is highly unlikely for bats to be present during the hibernation period.

As a further mitigation measure prior to work commencing a single precautionary emergence survey was proposed to be carried out (between May and August inclusive) to further confirm roost entrance locations within the gable ends.

It should be noted that as part of consultation on the planning application the countryside officer agreed with the proposed mitigation strategy being adopted via planning conditions:

“Planning Condition?

Roof work should take place following an evening temperature of +5c

Work to affected roof areas will take place under supervision, with the batworker on call.

Roof slates should be removed by hand and under supervision where necessary.

Scaffolding should avoid areas of the western and eastern gable ends identified as roost entrances to ensure flightlines remain undisturbed. In the unlikely event bats are found during works. The area should be carefully covered and work stop until the batworker can attend to assess the appropriate way forward. Compensatory bat boxes (Two Greenwood Eco Habitats, two crevice boxes or Kent Bat Boxes) will be placed on trees on site prior to work commencing. Bat boxes will remain on site as part of biodiversity enhancements,”

For some reason the planning officer missed both the avoidance measures within the report and recommendations of the Countryside Officer during consultations and instead came to

the conclusion:

“However, it is considered that such proposals could only be carried out under a licence obtained from Natural England (NE)”

In the decision notice this was reinforced:

The proposed development would result in a bat roost being disturbed as a result of the development, meaning that a license from Natural England (NE) would be required.

However, this again ignores the fact that the method statement and timing of works removes the risk of disturbance by carrying out proposed work:

- a) in an area where no bats are present.
- b) at a time of year when bats will have moved from the roost to hibernation sites.

Thus negating the need for a Natural England EPS mitigation licence, and therefore the 'three tests' are not relevant given this fact.

For these reasons we do not believe this is a justified reason for refusal by RVBC and the decision should be overturned.

5.0 SUMMARY

5.1 It has been clearly demonstrated that the policy reasons for refusing the planning application are not justified reasons in relation to the proposal.

5.2 Efforts were made to question the case officers opinions and these were ignored and the decision notice as issued. It has been demonstrated that the case officers opinions needed to be challenged and these should not have been ignored.

6.0 CONCLUSION

6.1 The reasons provided by RVBC for refusing planning permission are not justified and are not relevant to the proposed development. The decision should be overturned and the application be granted approval.

7.0 APPENDIX A – Consultee Reply Relating To The Ecology Survey

From: David Hewitt <David.Hewitt@ribblevalley.gov.uk> **On Behalf Of** Countryside

Sent: 22 March 2023 10:17

To: Jane Tucker <Jane.Tucker@ribblevalley.gov.uk>

Cc: Kathryn Hughes <Kathryn.Hughes@ribblevalley.gov.uk>

Subject: RE: Consultation on planning application 3/2023/0163 2 The Walled Garden, Woodfold Park, Mellor BB2 7QA

Planning Condition?

Roof work should take place following an evening temperature of +5c

Work to affected roof areas will take place under supervision, with the batworker 'on call'.

Roof slates should be removed by hand and under supervision where necessary.

Scaffolding should avoid areas of the western and eastern gable ends identified as roost entrances to ensure flighlines remain undisturbed.

In the unlikely event bats are found during works. The area should be carefully covered and work stop until the batworker can attend to assess the appropriate way forward.

Compensatory bat boxes (Two Greenwood Eco Habitats two crevice boxes or Kent Bat Boxes) will be placed on trees on site prior to work commencing.

Bat boxes will remain on site as part of biodiversity enhancements,

A copy of the Method Statement should be available to site / project managers in advance of any works being carried out.

The existence of a Method Statement helps to establish a defence against prosecution for intentional (WCA), deliberate (Habitat Regulations.) or reckless (WCA) disturbance of bats or damage to roosts. All work should take place under the supervision of the ecologist.

7.0 APPENDIX B – Email Correspondence Between Agent & Case Officer

From: Paul Henderson

Sent: Friday, May 26, 2023 11:16 AM

To: Kathryn Hughes <Kathryn.Hughes@ribblevalley.gov.uk>

Subject: RE: Application Ref: 3/2023/0163

Kathryn

I'm sure you saw the neighbours property on your site visit to the application site. If not I've included a photo below to illustrate how the change looks.



The alteration to the neighbours property is over 4 years old and will therefore be lawful with the passage of time. These buildings were erected around 2004 and are a modern interpretation of barn type structures. They are both large identical dwellings. Personally, I don't think the inclusion of these combination rooflight windows detract from the design of the dwellings and certainly doesn't impact on any listed buildings.

Furthermore the change is to the rear elevation so is not a prominent elevation which I know shouldn't matter as good design should follow all round, but it's a very low key change to a limited view of a property which allows the client to improve daylight and outlook to the rooms.

Allowing the change would mean the two buildings originally designed identical would be back to being identical and nothing would look out of place. Can I please ask why you confirm why the change wouldn't be acceptable in design terms.

With regards to your concerns regarding bats could you please elaborate. I will then take this back to our ecologist for further comment.

Regards

Paul Henderson

Director

Evolve Architectural Design Ltd

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From: Paul Henderson <paul@evolvead.co.uk>

Sent: Thursday, May 25, 2023 6:14 PM

To: Kathryn Hughes <Kathryn.Hughes@ribblevalley.gov.uk>

Subject: RE: Application Ref: 3/2023/0163

Kathryn

What are your concerns with the bat roosts? Our ecologist has supplied info and a method statement to address this and your in house ecologist has suggested a planning condition.

With regards to the design, the example of the neighbours (lawful or not) surely illustrates this is acceptable feature on what is a fairly modern building.

What would be the reason for refusal?

Regards

Paul

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Kathryn Hughes <Kathryn.Hughes@ribblevalley.gov.uk>

Date: 25/05/2023 17:56 (GMT+00:00)

To: Paul Henderson <paul@evolvead.co.uk>

Subject: RE: Application Ref: 3/2023/0163

Hi Paul

I do have some issues with this one in terms of the bat roosts and also the design change to these quite simple elevations. I note the neighbouring property has done the same, however, I cannot see that any permission has been granted for this.

Therefore, I think this will be a refusal.

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: Paul Henderson <paul@evolvead.co.uk>

Sent: Wednesday, May 10, 2023 8:12 PM

To: Kathryn Hughes <Kathryn.Hughes@ribblevalley.gov.uk>

Subject: Application Ref: 3/2023/0163

 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.

Kathryn

Just wondered if there is any update on the above application?

Regards

Paul Henderson

Director

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