

Appeal Decision

Site visit made on 18 June 2024

by Beverley Wilders BA (Hons) PgDURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2024

Appeal Ref: APP/T2350/W/23/3327938

Land adjacent to Southport House, Hollins Syke, Sawley BB7 4LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Adam Turner against the decision of Ribble Valley Borough Council.
 - The application Ref is 3/2023/0246.
 - The development proposed is demolition of four existing agricultural buildings and construction of two self-build family eco-homes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2023. However, given the scale and nature of the proposal and the scope of the changes to the Framework, I do not consider them to be material to my decision. In any event, the parties have had the opportunity to comment on the revised Framework either within statements or final comments.
3. At the time of my visit, two of the four existing agricultural buildings had been removed from the appeal site. It appears that they were demolished in November 2023, following the issuing of a Section 215 Notice by the Council in August 2023.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the proposed residential development having regard to its position outside of the settlement boundary and its accessibility to services and facilities; and
 - the effect of the proposal on the character and appearance of the area including on Sawley Conservation Area and the setting of Southport House, a Grade II listed building.

Reasons

Whether suitable location for residential development

5. The appeal site comprises a piece of land located a short distance to the east of the main road running through the village of Sawley. The village is identified as a Tier 2 village settlement in the Core Strategy (CS)¹ where CS Policy DS1 states that development will need to meet proven local needs or deliver regeneration benefits. CS Policy DMG2 states that development within Tier 2 villages and outside the defined settlement areas must meet at least one of the 6 stated considerations with development in the open countryside also required to be in keeping with the character of the landscape and reflective of the special qualities of the area. CS Policy DMH3 relates, amongst other things, to residential development in the countryside and states that this will only be permitted under the listed circumstances.
6. Though not isolated, the appeal site is located outside of the village boundary and therefore sits within the open countryside. As such, CS policies DMG2 and DMH3 are of relevance. Whilst I note that the site is only just outside the village, the requirements of CS Policy DMG2 apply irrespective of whether the site is within or outside of the settlement boundary given that Sawley is a less sustainable, Tier 2 settlement.
7. The proposal is for two dwellings on a site previously used as a chicken farm. It is stated within the appellant's submissions that the dwellings would be occupied by the appellant and another existing Sawley resident and their families and that they would constitute self-build.
8. Whilst it is stated that the existing housing of the proposed occupiers is unsuitable for them, no evidence has been submitted to demonstrate that the proposal meets an identified local need. In the absence of this or of any evidence to demonstrate that the proposal meets any other considerations or circumstances listed in CS policies DMG2 and DMH3, it is contrary to these policies which seek to support the broader development strategy and spatial vision for the area and to direct new residential development to the most sustainable locations identified as the principal settlements and Tier 1 villages.
9. I do not agree with the appellant that the proposal qualifies as a small scale use appropriate to a rural area where a local need or benefit can be demonstrated as set out in CS Policy DMG2. This is because having regard to the development plan as a whole, open market dwellings are not appropriate to rural areas except in particular circumstances, none of which apply in this case. Though stated to be self-build eco-dwellings, there is limited detail regarding this and no mechanism before me to ensure that this the case. I have therefore treated the proposal as open market dwellings, notwithstanding the apparent need for self-build plots within the Borough. Nor do I consider the proposal to be essential to the social well being of the area.
10. With regard to the accessibility of the appeal site, it is located close to the main road through the village and on the Lancashire Cycleway. At my visit I saw that Sawley has a pub, a village hall and children's play area and that there are bus stops along the A59. However, whilst these are an accessible

¹ Core Strategy 2008-2028 A Local Plan for Ribble Valley Adoption Version adopted December 2014

distance by walking, there is limited pavement provision and no street lighting along the main road through the village meaning that walking to these services and facilities would be unlikely to be an attractive and safe proposition, particularly for the elderly and those with young children.

11. Consequently, and notwithstanding the presence of the cycleway, the provision of electric vehicle charging points, cycle parking and the ability of occupiers to work from home, it is likely that future residents of the dwellings would be reliant on travel by private car to access day-to-day facilities. The fact that the Highway Authority consultation response made no comment with regard to site accessibility does not overcome my concerns in this regard.
12. The proposal would therefore be contrary to CS policies DM12 and DMG3 and relevant paragraphs in the Framework. These policies and this guidance seek, amongst other things, to ensure that development is located to minimise the need to travel and that it has good access by foot and cycle and convenient links to public transport.
13. My attention has been drawn by the appellant to a number of permissions granted for residential dwellings in the Council area and in Pendle Borough. I have been provided with a number of the reports and appeal decisions. However, based on the evidence before me, none of the other cases referred to appear to be directly comparable to the proposal, either being for a different scale of development, a different type of development, in a different Borough subject to different policies, in a different type of location or the subject of a different set of circumstances. I have therefore attached limited weight to them and in any event, I must determine the proposal before me on its own merits.
14. Having regard to the above, the appeal site is not a suitable location for the proposed residential development having regard to its position outside of the settlement boundary and its accessibility to services and facilities. I attach significant weight to the conflict with the relevant policies in this regard.

Character and appearance

15. As stated, the appeal site comprises a former chicken farm located on the edge of the village of Sawley. The site lies to the south and east of the boundary of the Sawley Conservation Area (CA) and to the south of Sawley Abbey, a Scheduled Ancient Monument (SAM) & Grade I Listed Building and the Forest of Bowland National Landscape (formerly AONB). Southport House, a Grade II Listed Building is located close to the site, adjacent to the main road with a number of other listed buildings located nearby.
16. The CA and SAM are centred around and characterised by the standing remains of the Abbey and insofar as is relevant to the proposal, their significance is derived from this together with the relationship between the Abbey, development within the village and the surrounding open landscape and backdrop of high hills and fells.
17. The appeal site is currently open to the northern boundary with the site and remaining sheds being visible from the adjacent lane, stated to be an informal walking route, and from more distant views across the open land to the north.

Existing vegetation and its set back position means that it is not visible from the main road. The appeal site is within the setting of the CA and SAM, within an area of open land to the south and given that surrounding open land contributes to the significance of these heritage assets, development on the appeal site has the potential to be harmful to them.

18. Southport House, a Grade II Listed Building is the nearest listed building to the appeal site. Insofar as is relevant to this appeal, its significance largely derives from its age and architectural composition and its setting comprising a prominent roadside position within the village, adjacent to surrounding open land. Given its proximity to Southport House, the appeal site falls within its setting. The relative position of the appeal site to other nearby listed buildings and their settings means that they would not be affected by the proposal.
19. The appeal site comprises a relatively large plot of land and the remaining large scale sheds and surrounding areas of hardstanding have a dilapidated and derelict appearance. This has a harmful effect on the character and appearance of the area and on the setting of the CA, SAM and Southport House. The proposal is to remove the existing sheds from the site and to replace the existing development with two large, detached dwellings. The siting of the proposed dwellings is such that they would be positioned further away from the site boundaries than the existing development and further from Southport House. Areas of the site not included within the gardens of the dwellings would be landscaped including as wildflower meadows.
20. The design of the dwellings is consistent but varied. Both would be part two-storey, part single storey and have been designed to incorporate several distinct elements and courtyards in order to break up their overall massing. They include traditional pitched roofs and flat green roofs and would be constructed from a palette of materials including natural stone, stone slate and timber, reflective of tradition buildings nearby. The dwellings would be contemporary but respectful and reflective of the local vernacular.
21. Although the dwellings would be positioned to the east of the main road, they would replace existing built development in this location which the CA appraisal identifies as being a weakness and negative feature of the CA. The proposed northern boundary wall would be set back from the site frontage, would be constructed in a traditional manner, and would be partly screened by a wild flower buffer, planting and trees which would serve to soften its appearance.
22. Overall I find that the proposal is not an anomalous, discordant and unsympathetic form of development either in terms of its layout or appearance. Rather, it is a well-considered design, reflective of the site context and surroundings. The proposal would improve the visual appearance of the site and it would not have any adverse effect on the setting or significance of nearby heritage assets including the CA, SAM and Southport House. For the same reasons it would not be harmful to the Forest of Bowland National Landscape.
23. Though I note that a previous Inspector found harm to the setting and significance of Southport House when considering a proposal for one dwelling

on the site², it appears that there were a number of material differences between the proposal before that Inspector and the one before me. In any event, I must determine the proposal before me on its own merits.

24. For the reasons stated above, the proposal would not adversely affect the character and appearance of the area, including Sawley Conservation Area and the setting of Southport House. It therefore accords with CS policies EN5, DMG1, DMG2 and DME4, relevant paragraphs of the Framework and relevant sections of the Act³ insofar as they are relevant to this issue. These policies, guidance and legislation require, amongst other things, the conservation of the significance of heritage assets and their settings and that development is of a high standard of design and is sympathetic to surrounding development and landscape.

Other Matters

25. The provision of two additional dwellings would provide some social and economic benefits but these would be limited given the limited number of dwellings proposed. Whilst I note that they are proposed to be self-build dwellings and not to be sold on, there is no mechanism before me to ensure that this is the case and in the absence of this, I attach no weight to this purported benefit. Similarly whilst it appears that all of the proposed occupiers have a local connection, as stated above, there is no substantive evidence to demonstrate that the dwellings would fulfil an identified local need, particularly given their size.
26. The dwellings are described as eco-homes and would incorporate a number of sustainable features including on-site power generation through an integrated solar roof system, a ground source heat pump, rainwater collection, battery storage, internal thermal mass, solar shading, and locally sourced materials. Whilst it is not clear whether and if so by how much the dwellings would exceed policy and building regulation requirements in this regard, I attach moderate weight to this consideration.
27. As stated, the appeal site and existing development on it is in a state of dilapidation and disrepair and it has a negative effect on the character and appearance of the area. It is also stated to be a health and safety hazard and the site of anti-social behaviour. Approval of the proposal would bring about significant visual benefits to the site, but such benefits could be achieved by other means such as proposals for an alternative form of development including development permitted by the development plan such as local needs housing. There is no evidence before me to demonstrate that such development would not be possible and in the absence of this, I give this benefit moderate weight. Whilst reference has been made to the cost of clearing the site, I have seen no evidence relating to this or to the viability of developing the site.
28. I am aware that there is an extant consent for the development of the site for 11 static caravan holiday lodges⁴. The outline of these is shown on some of the submitted plans, though I do not have full details of that scheme before

² APP/T2350/W/16/3152831 Appeal dismissed 7 September 2016

³ Planning (Listed Building and Conservation Areas) Act 1990

⁴ Application reference 3/2012/0797 approved February 2013

me. The appellant argues that the holiday lodge scheme would have a greater impact on the area both visually and in terms of traffic generation, with the latter acknowledged by the Highway Authority.

29. Small scale tourism and recreational development is permitted in rural areas so there is a material difference between the extant scheme and the proposal. In terms of visual impact, without full details of the holiday lodge scheme, I cannot be certain that it would have a greater impact than the proposal before me. In any event, given that time has passed since permission was granted for the extant scheme and the change in ownership, there is some doubt as to whether the scheme would in fact be built out. Taking all of the above into account, I attach limited weight to the alleged fallback scheme.
30. My attention is drawn to the fact that one of the proposed occupiers has a medical condition which means that they require particular features within a property including a ground floor bedroom and that one of the properties is intended to be used for multi-generational living including the elderly. Whilst this is noted, there is no evidence before me that these requirements could not be fulfilled by existing accommodation within the village or surrounding area. I therefore attach limited weight to this consideration.
31. In reaching my decision, I note that there is extensive support for the proposal from the local area, including from the Parish Council and that the appellant has sought to consult with local residents from the outset. Be that as it may, this does not alter the identified harm that would result from the proposal.
32. I also acknowledge the frustration felt by the appellant that the application was not determined by the Council's planning committee despite requests for that to be the case. However, this has no bearing on my decision. Reference has been made to inconsistent decision making in Sawley, but I have no specific details of this or how it relates to the proposal before me. Any effect of the proposal on nearby property prices is not a relevant consideration in the determination of the appeal.

Conclusion

33. The proposal would not adversely affect the character and appearance of the area including Sawley Conservation Area and the setting of Southport House. However, it is not a suitable location for the proposed residential development having regard to its position outside of the settlement boundary and its accessibility to services and facilities. It would be contrary to the broader development strategy and spatial vision for the area. I attach significant weight to the conflict with the relevant policies in this regard.
34. The proposal would result in some limited economic and social benefits and would improve the visual appearance of the area. However, I attach no more than moderate weight to this benefit given that visual improvements to the site could be achieved by other means. I attach moderate weight to sustainability matters and limited weight to the alleged fallback scheme and to the personal circumstances of the proposed occupiers for the reasons stated above. Overall, I consider that the benefits of the scheme do not outweigh the significant harm that I have identified.

35. I therefore conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR