



ABBEY GARDENS

Land adjacent to Southport House

Statement of Case

Against the refusal by Ribble Valley Borough Council
to grant planning permission
for application ref 3/2023/0246

August 2023

Land adj to Southport House

Hollins Syke

Sawley

BB7 4LE

Scheme Details

Site Location

Land adjacent to Southport House

Hollins Syke

Sawley

BB7 4LE

Development

The proposal is the demolition of 4 existing agricultural buildings and the construction of 2no. self-build family eco-homes of exceptional architectural quality.

Date Prepared

August 2023

Applicant

Adam Turner & Simon Dawson

Agent

Zara Moon Architects

Unit 37, Mitton Road Business Park, Mitton Road, Whalley, BB7 9YE

Contact: Zara Moon

Email: [REDACTED]
[REDACTED]

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1.0 Introduction

- 1.1 This Statement of Case has been prepared by Zara Moon Architects (ZMA) in support of a planning appeal on behalf of the appellants Adam Turner and Simon Dawson.
- 1.2 The appeal is against the decision of Ribble Valley Borough Council to refuse the planning application, ref 3/2023/0246, to demolish 4 existing agricultural buildings and construct 2no. self-build family eco-homes on land adjacent to Southport House, Hollins Syke, Sawley, BB7 4LE.
- 1.3 The Full Planning Application was made by ZMA acting as both Agent and Architect, on behalf of the applicants, on 22nd March 2023. The Planning Application was validated on 14th April 2023.
- 1.4 Despite numerous attempts by councillors to call-in the application to be reviewed before the Planning Committee, the application was decided through delegated powers and the application was refused on 24th May 2023.
- 1.5 The decision notice was issued providing four reasons for refusal:
 1. *The proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Adopted Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings , 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.*
 2. *The proposal would result in the introduction an anomalous, discordant and unsympathetic form of development that fails to positively respond to the inherent character of the area, the immediate and wider historic townscape or the inherent pattern of development of the designated Sawley Conservation Area. As a result, the proposal will result in significant harm to views into and out of the designated Conservation Area, also resulting in measurable harm to the significance and setting of a Grade II Designated Heritage Asset (Southport House).*
As such the proposal is considered to be in significant direct conflict with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy, Paragraphs 130, 134, 200 and 202 of the National Planning Policy Framework and the Planning (Listed Building and Conservation Areas) Act 1990.
 3. *The proposal is considered contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework. Particularly insofar that approval of the proposal would result in the introduction of an anomalous and discordant pattern and form of development, that by virtue of their siting (east of Sawley Road), the scale of the proposed dwellings, their inherent footprints, the northern boundary wall and site configuration, would result in a form of development that would fail to*

respond positively to the inherent pattern of development within the area or the scale of nearby or adjacent built-form, being of significant detriment to the character and visual amenities of the immediate area and that of the defined open countryside.

- 4.** *The creation of new residential dwellings in this location would lead to the perpetuation of an already unsustainable pattern of development, without sufficient or adequate justification, insofar that occupants of the residential dwelling would fail to benefit from adequate walkable access to a wide range of local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.'*

- 1.6 The appeal is made to the Secretary of State under Section 78 of the Town and Country Planning Act and proposes to utilise the Planning Appeal Written Representation Procedures.

2.0 Background and Reason for the Application

- 2.1 Adam Turner and Simon Dawson [REDACTED]
[REDACTED]. They have been friends for a number of years and are passionate about their home village.
- 2.2 [REDACTED]
[REDACTED]
[REDACTED]
- 2.3 [REDACTED]
[REDACTED] They are passionate about Clitheroe and the surrounding villages where they have been heavily involved with the local business community.
- 2.4 [REDACTED] and are both from the local area, have a strong link with the village, and are key members of the community.
- 2.5 Both families currently live on [REDACTED] of which their current properties no longer work for each family. [REDACTED] and requires a future-proofed property with bedrooms on the ground floor level; [REDACTED] require multi-generational living for [REDACTED]
- 2.6 The appeal site is a disused chicken farm which has been an eyesore for the last 20 years, creating a substantial negative impact on the village. The site contains large a voluminous extent of built-form which is now in a serious state of disrepair, and visible from numerous viewpoints across the village.
- 2.7 The chicken farm had ceased to exist as a functional agricultural business since the early 2000's when the site was no longer economically viable, or an appropriate use within village due to the scale, visual impact and strong odour being a great cause for concern.
- 2.8 Since the chicken farm business ceased, the site received planning approval for 11 static caravan holiday lodges. This approval was not well received by the villagers with a unanimous objection from the villagers and Parish Council who felt the appearance would detract from the character of the village, and the scheme would generate a large number of vehicle movements. Work commenced on implementing the approved tourism use, however work ceased, and the site remained vacant, falling further into disrepair.
- 2.9 Adam Turner and Simon Dawson and their families have lived first-hand with the problematic site as village residents for [REDACTED] During this time the applicants have witnessed the impact of the site on the village and local residents, and felt something needed to be done. However the site would need a viable end use in order to facilitate and finance the cost and work required to clear the site and remove the existing buildings. With the approved tourism use being highly unfavourable to the local residents, and with no alternative secured use, nobody was willing to take on the burden of the site.
- 2.10 Despite being aware of the site's planning history, Adam and Simon chose to share the burden by acquiring the site [REDACTED] [REDACTED], they are

passionate and truly care about the future of the site, having pursued a sensitive, architectural, context-driven, proposal to obtain the best possible solution for the site and the village. However, the only way of financing the clearance would be if they sold their existing properties and self-built their own homes.

- 2.11 [REDACTED] it was highly important to them to work with the members of the village community and be transparent about their aspirations. They therefore discussed their plans to self-build 2 dwellings on the site with the Parish Council in 2019, receiving a letter of support.
- 2.12 Covid-19 delayed their plans until 2021 when they appointed ZMA to collaboratively design each forever home, both individually bespoke to meet the specific needs of each family.
- 2.13 ZMA worked closely with the applicants and their families to design a scheme which satisfied the accommodation requirements for their individual 'forever homes'; creating 2 bespoke 4-bedroom properties which have been sensitively designed to reflect the rural and historic context; whilst minimising the impact on the openness, and character of the open countryside. Each house is a representation of each family whilst maintaining a consistent concept across the 2 dwellings for the vernacular, materiality and visual impact.
- 2.14 Prior to submitting the full application, the applicants returned to the Parish Council to present the proposed design and received a second letter of support in March 2023. They also completed a public consultation exercise when they presented the proposed scheme to the Sawley residents, who all expressed their support to remove the structures and replace with 2 high-quality dwellings.

3.0 Application Site and Surroundings

Location

- 3.1 The site address is Land adjacent to Southport House, Hollins Syke, Sawley, BB7 4LE, and is situated to the North of Chatburn, to the South-West of Gisburn and to the North-East of Grindleton.
- 3.2 The site lies central to Sawley Village, to the East of Sawley Road, and South of Sawley Abbey, on the site of a derelict chicken farm.
- 3.3 The site is directly accessed from Sawley Road, the main route through Sawley Village, along a shared access lane (Hollins Syke).

General Profile

- 3.4 The application site extends to 8508 m² / 0.85 hectares, is designated as Open Countryside, with the application boundary abutting the settlement boundary.
- 3.5 The site is located within a clearly defined and enclosed plot, with mature boundaries of trees, hedges and planting, containing the extent of the site and existing structures within a long rectangular plot.
- 3.6 The site is a former chicken farm which has stood derelict for the last 20 years, described as '*Large existing redundant chicken sheds which impact negatively on the village*' (Sawley Conservation Area Appraisal SCAA).
- 3.7 The existing site contains 4 very large structures and silos, some of which are in a partly derelict state. The sheer extent of built-form, continuous lengths of volume, and reflective materiality do not reflect the predominantly residential use or character of the village.
- 3.8 Based on the industrial-scale structures and extent of hardstanding the site is considered to be brownfield, Previously Developed Land.

Planning History

- 3.9 Planning approval was obtained in February 2013 for a proposed static caravan / lodge park (3/2012/0797). The proposal included the creation of a new access lane, and the erection of 11 static caravans each with individual driveways, parking areas and garden plots. An application to discharge the pre-commencement conditions was submitted and approved (3/2016/0101) and engineering works to implement the permission commenced on site, therefore a technical start made within the requisite period.
- 3.10 A planning application was submitted in August 2015 for the demolition of the existing poultry sheds and construction of a new detached dwelling (3/2015/0509). The application was refused in December 2015. The application was appealed and dismissed in September 2016 (APP/T2350/W/16/3152831).
- 3.11 A prior notification application was submitted in January 2018 for the conversion of an existing poultry shed to three dwellings under Class Q (3/2018/0061). The application was refused in March 2018.

- 3.12 All the above applications were submitted by the previous owners of the site. Each application was assessed in detail by the applicant's and ZMA with a view to address any areas of concern which had been raised previously.

Site Context

- 3.13 The site lies central to Sawley Village, adjacent to the Sawley Conservation Area, the Sawley Abbey Grade I Scheduled Monument, the AONB boundary, and the Grade II Listed building, Southport House.
- 3.14 Southport House is the closest property to the site, at the junction where Hollins Syke meets Sawley Road. It is a 17th and 18th Century Grade II Listed Building which was previously vacant, requiring substantial work to safeguard the asset. In 2017 it was purchased and restored by the current owners, however, the current condition of the application site and the visibility of the large existing structures has a detrimental impact on the occupiers. Please refer to accompanying letter of support.
- 3.15 The access lane is currently shared by the applicants and 1 other residential property. It is not a public right of way, however it is used informally by the local community as a popular walker's route. The site is currently open to the access lane which is unsafe and affects the enjoyment of the route for the local villagers and tourists.
- 3.16 Sawley Conservation Area Appraisal (SCAA) indicated that '*the chicken sheds impacted negatively upon the village, and that they should be removed when the opportunity arose. Redevelopment of the site should take into account the nature of the present negative impact on the village and abbey site, and plan new building(s) with reduced scale, massing, skylining and visibility of roof structures.*'
- 3.17 Visibility of the site from within the Sawley Abbey scheduled monument is limited by the high perimeter wall surrounding the ruins. However, the site can be viewed in conjunction with the Abbey from a number of viewpoints within the Conservation Area, and from neighbouring properties.

4.0 Appeal Proposals

- 4.1 For details of the proposed design including the site analysis, design, sustainability, and heritage strategies, please refer to the Design and Access Statement and Heritage Statement.
- 4.2 The proposal is for 2no. self-build, family eco-homes. Each property will be detached and have 4 bedrooms. Both houses will be the forever homes of each family and will always remain in the family's ownership. [REDACTED]
[REDACTED]
- 4.3 The rural site, context, and heritage assets have been referenced throughout the scheme, ensuring the proposal minimises the effect on the openness of the countryside setting. The scale, siting, and character are all designed to reduce visibility and impact from neighbouring viewpoints, and the design translates the key architectural features of Southport House, and Sawley Abbey into a contemporary response whilst sensitively reflecting the heritage of the site.
- 4.4 Design proposals were presented to the Parish Council and local residents in order to obtain feedback. The design proposals received unanimous support, with residents and council members commenting the design was a significant improvement, sensitively designed and would be in-keeping with the village. Please refer to the consultee responses, letters of support and Section 6.0 for further details.

5.0 Relevant Planning Policy

National Planning Policy Framework (2021)

- 5.1 The following National policies are relevant to the application site and the development proposal:
- | | |
|------------|---|
| Section 2 | Achieving sustainable development |
| Section 5 | Delivering a sufficient supply of homes |
| Section 9 | Promoting sustainable transport |
| Section 11 | Making effective use of land |
| Section 12 | Achieving well-designed places |
| Section 14 | Meeting the challenge of climate change etc |
| Section 15 | Conserving and enhancing the natural environment |
| Section 16 | Conserving and enhancing the historic environment |

Ribble Valley Core Strategy

- 5.2 The following Development Plan policies are relevant to the application site and the development proposal:
- | | |
|---------------------|--|
| Key Statement DS1: | Development Strategy |
| Key Statement DS2: | Sustainable Development |
| Key Statement EN2: | Landscape |
| Key Statement EN3: | Sustainable Development and Climate Change |
| Key Statement EN4: | Biodiversity and Geodiversity |
| Key Statement EN5: | Heritage Assets |
| Key Statement DM12: | Transport Considerations |
| Policy DMG1: | General Considerations |
| Policy DMG2: | Strategic Considerations |
| Policy DMG3: | Transport & Mobility |
| Policy DME1: | Protecting Trees & Woodland |
| Policy DME2: | Landscape & Townscape Protection |
| Policy DME3: | Site and Species Protection and Conservation |
| Policy DME4: | Protecting Heritage Assets |
| Policy DME5: | Renewable Energy |
| Policy DME6: | Water Management |
| Policy DMH3: | Dwellings in the Open Countryside and AONB |

6.0 Consideration of the Proposal by the Council

Pre-Application

- 6.1 Prior to the formal submission, ZMA engaged with the RVBC pre-application advice service. A pre-application was submitted on 11th May 2022, and the allocated planning officer was Stephen Kilmartin. A full design package, design and access statement and supporting planning statement were submitted for comment.
- 6.2 An on-site meeting was requested, however this was declined and instead an online zoom meeting was held between Stephen Kilmartin (Planning Officer), ZMA (Agent), and JFP (Planning Consultant) on 21st June 2022.
- 6.3 To summarise, the following points were discussed during the meeting:
- The proposal is contrary to policy DMG2 and DMH3 due to the Open Countryside designation.
 - The previously dismissed appeal was referenced by the officer who stated that policy remains the same since the appeal.
 - In terms of design, the officer was positive, stating there were no concerns, and he will provide some suggestions within the formal response.
 - Acceptable uses for the site include tourism or affordable housing which both comply with planning policy.
 - If the current scheme was submitted as 2 luxury holiday homes, this would be acceptable.
- 6.4 The formal response was received on 15th November 2022, which only responded to one area of assessment, the principle of the development [see Appendix 1]. There were no comments with regards to any other planning-related matters, no review of the relevant material planning considerations, and no details of the items covered in 4.11.
- 6.5 The applicants were aware that the principle of the development when assessed solely on Policy DMH3 is unacceptable, however based on the unique circumstances of this site, and when all other material planning conditions are considered, the planning balance exercise would result in favour of support.

Public Consultation

- 6.6 After engaging with the pre-application advice service, the applicants hosted a public consultation at Sawley Village Hall on 6th March 2023 where they invited all Sawley residents to inform them of their plans to demolish the existing structures and self-build their 2 family homes. The proposed drawings were presented with the opportunity to answer any questions or concerns, whilst obtaining feedback on the design.
- 6.7 The proposals were received exceptionally well, all residents provided positive comments on the design, and the residents expressed their support for the proposal including the design and use of the site.

Initial Submission

- 6.8 The Planning Application was received by Ribble Valley Borough Council on 22nd March 2023. The Planning Application was validated on 14th April 2023, and the Case Officer was confirmed as Stephen Kilmartin.

- 6.9 Statutory consultees and neighbouring properties were notified of the Planning Application on 14th April 2023, and the consultation period ended on 5th May 2023.
- 6.10 The submission package was accompanied by 3 letters of support, 2 of which were from the Parish Council, and the 3rd was provided by the residents of Southport House – all of which have a strong interest in the future of the site.

Statutory Consultee Comments

- 6.11 The application received **no** objections, and instead received **27 letters of support** during the consultation period.
- 6.12 A further **19 letters of support** were also received during the consultation period provided by local residents. However, these letters were excluded by the planning officer as they were delivered together during the consultation period. Instead, they were categorised as *'information provided by the applicant'*, which was incorrect.
- 6.13 The following Consultees were consulted, and raised **no objection or concerns** to the application:
- Parish Council
 - LCC Highways
 - Environmental Health
 - Archaeology
 - United Utilities
 - Engineering – Drainage
 - 19 neighbouring properties

LCC Highways Development Control Team

- 6.14 LCC Highways Development Control Team raised **no objection or concerns**, and commented that they *'also had no objection to the previously approved scheme for the 11 static caravan / lodge park, which would have generated more trips to the site than the current proposal'*.
- 6.15 LCC Highways did not comment on the sustainability of the site location. This issue falls within the remit of LCC highways, therefore if the sustainability of the site had been a concern or a reason for objection, this issue would have been raised at this time.
- 6.16 Based on the above information, it is therefore considered that the 2 dwellings proposed would generate less vehicle trips than the extant approval for 11 static caravans, and the development is considered to be within a sustainable location.

Parish Council

- 6.17 The Parish Council have been involved with the application since the applicant's purchased the site in 2018. The families discussed their wish to create their forever homes on the site with the Parish Council back in November 2019 who provided a written letter of support for the 2 dwellings.
- 6.18 Prior to the formal submission, the applicants returned to the Parish Council to present the proposed design during the Parish Council meeting 6th February 2023 where the Parish Council confirmed their unanimous support of the application for 2 dwellings.

- 6.19 Following the meeting, they provided a second (updated) letter of support dated March 2023. Both the 2019 and 2023 letters were submitted with the formal submission.
- 6.20 The Parish Council contacted the applicant when they discovered the application was refused expressing their disappointment, and offering their help should the application be appealed [see Appendix 2]. They were concerned that the following key information was excluded from the officer's report:
- No reference to the Parish Council's letters of support, and instead stated '*no representations received in respect of the proposal*';
 - No detail or summary on the 27 letters of support;
 - No reference to the further 19 letters of support;
 - The exclusion of the approved application (3/2012/0797) 11 static caravan / lodge park from the '*Relevant Planning History*' section, with no reference or analysis.
- 6.21 The Parish Council discussed their concerns about the planning determination during the Parish Council meeting on 26th June 2023, where they chose to issue a letter to the planning department about the refused application [see Appendix 3].
- 6.22 The Parish Council have expressed that in hindsight they should have also responded formally – however they didn't expect the planning officer to discount their 2 letters of support which accompanied the application. They have confirmed they will provide a formal response during the appeal process expressing their unanimous support of the application.

Heritage

- 6.23 No heritage-related consultees were consulted on the application. Despite Heritage England being consulted on the previous application for one detached dwelling, and the 11 static caravan/lodge park.
- 6.24 Based on ZMA's experience with Ribble Valley Borough Council, and other local authorities across Lancashire, Growth Lancashire are now consulted on any applications with heritage-related issues.
- 6.25 The site includes the following heritage-related factors which required consideration and assessment by a suitably qualified heritage expert:
- The site is adjacent to and within the setting of a Grade II Listed building (Southport House).
 - The site is adjacent to the Grade I Scheduled Listed Monument (Sawley Abbey).
 - The site is adjacent to the Sawley Conservation Area.
- 6.26 As RVBC no longer have an in-house Conservation Officer, and the site location has a number of heritage-related factors, Growth Lancashire should have been consulted to provide expert impartial comment on the proposals.
- 6.27 If Growth Lancashire would have been consulted, it would have provided an opportunity to review any potential concerns and address accordingly, allowing a dialogue between ZMA, Growth Lancashire and the planning officer. In our experience, this is how all other local authorities across Lancashire, which consult Growth Lancashire operate and manage the planning process.
- 6.28 On the previous application for one detached dwelling (3/2015/0509), Heritage England stated '*the Scheduled remains of Abbey Precinct are one of the most important heritage*

assets nationally and of international importance...the new dwelling would have minimal impact on the setting of the Grade I Listed Sawley Abbey and in parts the site would be enhanced through the removal of the hen sheds. They also stated that 'the choice of a contemporary architectural idiom helps maintain the historical authenticity of the village' [see Appendix 4].

Letters of support

- 6.29 A total of 46 letters of support were received during the consultation period. 19 of which were letters collated following the public consultation exercise hosted by the applicants at Sawley Village Hall. To summarise, the key themes of the letters included the following:
- Complementary of the design including the sensitive response to the context, eco-credentials, scale, character, materials, and visual impact.
 - Public benefit of removing the dilapidated site and replacing with 2 high-quality bespoke dwellings.
 - Serious concern over the current negative impact of the existing site.
 - Proposal will be a positive enhancement to the village.
 - Proposal will be a vast improvement to the site.
 - In-keeping with the village and AONB.
 - Visual impact of the current site on the AONB.
 - Serious concern over the tourism approval, or any alternative commercial use.
 - Provides housing for 2 local families.

Post Consultation

- 6.30 After reviewing all consultee responses, there were no objections from statutory consultees, no objections from local residents, and a total of 46 letters of support.
- 6.31 ZMA's process at this stage is to contact the planning officer to discuss the application, ask if there are any further consultee responses which are not visible online, and ascertain the views of the officer on the application to understand if the officer will support the application.
- 6.32 ZMA made numerous attempts to discuss the application with the planning officer requesting meetings or phone calls. All attempts to arrange meetings were denied, and the planning officer refused to discuss the application other than stating it is against planning policy DMG2 and DMH3.
- 6.33 When the planning officer confirmed the application would not be supported, attempts were made to arrange a meeting to discuss the future of the site, to ascertain the planning department's stance on what would be an acceptable form of development for the site, however this was also denied.
- 6.34 The officer refused to provide any comments on the design, heritage or any other matter, and also refused to provide the draft officer report prior to refusal, stating the only way of us knowing this information was within the officer's report, which would only be available on refusal.
- 6.35 This left the applicants with no option other than to allow the application to be refused, in order to review the areas of concern.

Case Officer's Consideration of the Planning Application

- 6.36 Please see Appendix 5 which includes the full case officer's report.
- 6.37 it is important to be aware that key and relevant facts regarding the site and the application were absent from the report, which therefore fails to represent a fair unbiased assessment.
- 6.38 There is no consideration or assessment of the site in its current form, including the existing level of harm in relation to the proposal; the unprecedented support from the local residents and councillors; and the extant approval which is the applicant's fall-back position.
- 6.39 The conclusions and analysis are not based on evidence, the consultee responses, or a suitably qualified expert, and points have been overstated, repeated, and even exaggerated.

Planning Committee

- 6.40 The RVBC Delegation Scheme October 2018 Paragraph 11.1 states *'The ward councillor will have the right to require that any application or revocation request within their ward appearing on the weekly list (apart from the types of applications listed above outside of the call in procedure) to be presented to Planning and Development Committee for decision, providing that such an instruction is received by the Director of Economic Development and Planning in writing within 14 days of the 'received week ending' of the relevant list.'*
- 6.41 Paragraph 3.1.5 reads *'It is proposed to delegate all refusals to the Director of Economic Development and Planning unless it is considered that determination of the application by Planning and Development Committee is appropriate. Such applications will be contrary to planning policy and/or material considerations and as such consideration of these applications will not always represent the best use of Committee's time. Where there is significant public interest however the Director or Economic Development and Planning and/ or the Head of Planning may consider it appropriate for the application to be considered by Committee. Such applications, apart from those specifically excluded from the call in procedure, could also be called in if Members consider it appropriate'.*
- 6.42 Council members considered it appropriate for the application to be determined by planning committee, and as such made numerous attempts to call-in the application. The application also experienced significant public interest, receiving an unprecedented level of support, and no objections. Therefore, based on the above, the Director or Economic Development and Planning and/or the Head of Planning had a duty to allow the application to be determined by Committee.
- 6.43 Despite numerous attempts made by council members to call-in the application to be reviewed by the Planning Committee; all attempts were denied stating the reasons were not valid. When councillors stated a number of key material planning considerations, the planning officer then denied the call-in based on exceeding the required deadline.
- 6.44 It is our experience from working with numerous local authorities, that council members still have the power to call-in applications outside of the stated period, should an application warrant assessment by the Planning Committee, and that each application is assessed on a case-by-case basis. However, the application was determined via delegated powers and was refused on 24th May 2023.

Case in Support of the Appeal

Reasons for Refusal

- 7.1 The planning application was refused on 24th May 2023 providing 4 reasons for refusal.
- 7.2 The 4 reasons for refusal are based on the same 2 reasons for the refused application (3/2015/0509) for one detached dwelling (submitted by the previous owner). As this application was appealed and dismissed, the planning officer has used this as the basis for his reasoning.
- 7.3 However, for this application the planning officer has split the same 2 reasons into 4, appearing to create additional reasons for refusal, which is not the case [see Appendix 6].
- 7.4 Based on the 4 reasons for refusal, and the planning officer's detailed report, this suggests that the council had no concerns relating to any other planning-related matters on the application such as access, traffic, drainage, ecology, trees, amenity or landscaping.
- 7.5 We will now review each reason in further detail and provide our reasoning for why this is not the case, and the appeal should be allowed.

Reason 1:

The proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Adopted Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, 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.

- 7.6 Applications require a fair assessment to determine if the proposal would be an acceptable form of development for the site, and in all other local authorities, each application is judged on its own merit. It is our experience that applications which may be contrary to policy in terms of location, but are high-quality, sustainable, small scale rural developments can still be supported if they are located within close proximity to the settlement boundary, and all other planning-related matters are acceptable. (Please refer to Section 9.0 for a number of relevant planning approvals.)
- 7.7 Whilst 2 residential dwellings on land located outside the defined settlement boundary is contrary to policy DMH3, the site conditions are highly unique, therefore the site should not be assessed as a typical open countryside, greenfield site, and instead should be assessed against all relevant material considerations.
- 7.8 The 3 further reasons for refusal have been addressed in the following sections, therefore Policy DMH3 is the only planning-related conflict with the application proposal. However, once all relevant material planning considerations have been assessed and given their appropriate weighting, planning balance should tip in favour of support.
- 7.9 The reason for refusal states the proposal would *'lead to the creation of new residential dwellings, located outside of a defined settlement boundary, without sufficient justification'*. However sufficient justification has been provided and includes the following material considerations:
- 7.10 The site location of Sawley village meets the definition of a *'defined settlement'* within the Ribble Valley Core Strategy – *'A defined settlement is one which contains at least 20 dwellings and a shop or public house or place of worship or school or village hall, ie they are of a size and form that justifies treatment as a settlement'*.
- 7.11 The site is described as being located outside the *'defined settlement boundary'* however, the application site abuts the settlement boundary, and is located central to Sawley village, the site should therefore be considered to be part of the settlement in terms of location.
- 7.12 The site cannot be described as isolated or remote as it visually relates to neighbouring properties and the village settlement. Therefore, comments regarding the location or accessibility should carry little weight, as the site lies within the centre of Sawley Village settlement, with access to community facilities, walking distance to public transport, and located on a primary network route (A59). Please refer to Reason 4 for further detail and justification.

- 7.13 In terms of acceptable alternative uses, the site could be promoted for affordable housing at a higher density and be acceptable, which eliminates the stated rationale behind the policy conflict.
- 7.14 The site is brownfield, and is 'Previously Developed Land', containing existing industrial-scale development, in the form of 4 large voluminous structures, and large expanses of hard-standing. The site is not greenfield, it is not an undeveloped open field, and it is not designated as green belt.
- 7.15 The site is now derelict and in a semi-ruinous, visually obtrusive condition. The site has been in decline since the previous use as a battery chicken rearing unit became unviable and problematic in the early 2000's. Of which, the previous use only lends itself to be sited in an isolated open countryside location, an appropriate distance away from people and buildings, particularly residential dwellings. This is due to the impact on residential amenity including the odour, noise, waste, and HGV vehicle movements.
- 7.16 Sawley village is now dominated by residential dwellings surrounded by grazing land, there are no agricultural or large-scale farming enterprises within the village centre, and therefore to reinstate this use or redevelop the site for commercial agriculture would not be appropriate.
- 7.17 As the future of the site has been unknown for many years due to the pursual of various planning applications, all but 1 having an unsuccessful outcome, the cost and work associated with clearing the site and structures would incur significant outlay and would therefore need to be offset by the future use of the site.
- 7.18 In terms of DMG2, the acceptable uses for the site include agriculture, residential development which meets an identified local need; agricultural workers dwelling (subject to meeting the functional and financial test); conversion of buildings to dwellings; replacement dwellings; small scale tourism or recreational developments appropriate to a rural area; small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.
- 7.19 Of the above, the appropriate uses for the site based on RVBC policy and which could be promoted with a successful outcome would be agriculture, affordable housing, tourism, and small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.
- 7.20 2 self-build eco-dwellings for 2 local families would fall within the category of small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated. Therefore, the proposal meets the self-build needs of 2 local families aligned with RVBC's obligation to provide self-build opportunities and approvals for local people within the borough.
- 7.21 It can also be demonstrated that the proposal would provide a number of local benefits which include:
- The removal of the existing structures.
 - Landscaping Hollins Syke, the popular walker's route.
 - Visual improvement to the village.
 - Improved outlook for visitors / tourists.
 - Improved outlook from neighbouring properties.

- Improved enjoyment of Southport House.
 - Improvement to the settings and appreciation of heritage assets.
- 7.22 As agriculture, affordable housing and tourism would all be unfavourable to the local residents, and both agriculture and affordable housing would not provide an appropriate viable use for the site, the fall-back position for the applicants would be to pursue a tourism use for the site.
- 7.23 The site benefits from an extant planning approval for 11 static caravans / lodge park, which is a significant material consideration in the overall planning balance as it represents a fall-back position.
- 7.24 The test to determine a fall-back position is whether or not there is a real prospect of a development being implemented. The application was approved on 15th February 2013, with 12 conditions. 4 of which were to be approved pre-commencement [see Appendix 7].
- 7.25 The 4 pre-commencement conditions included materials, drainage, tree protection, and access road materials. An application to discharge the 4 pre-commencement conditions was submitted on 18th January 2016, and approved on 1st March 2016 [see Appendices 8, 9 & 10].
- 7.26 A Building Regulations application was submitted 8th February 2016 and engineering works to implement the permission commenced on site, therefore a technical start was made within the requisite period. [see Appendices 11 & 12]
- 7.27 Setting aside the technical start, and the discharged pre-commencement conditions – if a new planning application for tourism was promoted through a formal planning application, based on the planning officer's feedback during the pre-application process, and adherence to planning policy, any tourism scheme would be an acceptable use for the site, and would therefore be difficult for RVBC to refuse. Therefore, even if the applicant's chose to redesign the static caravan scheme, any tourism scheme can be deemed acceptable in terms of planning policy, and constitutes the fall-back position for the applicants.
- 7.28 As the extant approval could be practically implemented, and should the appeal be unsuccessful, this would be the only viable solution for the site, it is necessary to consider the planning merits of the proposal by comparison to the fall-back scheme to see whether there would be any additional harm from allowing the appeal.
- 7.29 In terms of scale, the appeal proposal has a substantially reduced footprint (50% reduction), spread (50% reduction), and hard-standing (50% reduction) compared to the extant approval.
- 7.30 The proposed volume remains equal to the approval albeit redistributed to respond to the 2-storey and single-storey vernacular of the village whilst reducing the extent of spread and maximising areas of open space.
- 7.31 In terms of materiality and architectural style, the static caravans incorporate a cherry colour timber cladding (light orange); a grey metrotile shingle roof; tan uPVC windows; and an elevated wrap-around balcony. All of which are materials and features not local to the area, and would be alien to the village. In contrast, the appeal proposal incorporates

natural local stone, stone slate roofs, stone window surrounds, and dry stone boundary walls – all of which reflect the materiality of the village.

- 7.32 In terms of visibility, the caravans would be visible due to the light orange colour tone, the jarring design in the context of the village, the monolithic design of every caravan, and the stark provision of landscaping and boundary treatments. In contrast the local materiality, hidden design and proposed landscaping would create a heavily screened scheme.
- 7.33 In terms of access, the extant approval includes the creation of a second access lane running parallel to Hollins Syke, which would create 2 hard-standing access lanes, doubling the width of the current lane. In comparison, the appeal proposal retains the character of Hollins Syke, and creates a naturally landscaped buffer with tree planting, wildflowers and climbing plants.
- 7.34 In terms of parking and vehicle movements, the parking and driveways on the extant approval are open and will allow the full extent of vehicle parking to be visible, which would equate to the provision of 22 cars on the site. As confirmed by LCC Highways, the tourism use would have an increased level of vehicle movements compared to 2 dwellings, with an increased reliance of travelling by car compared to 2 dwellings. In comparison, the appeal proposal requires a reduced parking provision of 6 cars all of which will be screened from view through the courtyard design, boundary treatments, and integral hidden garages.
- 7.35 In terms of impact on Southport House, the extant approval sits closer to Southport House than the appeal proposal, with 1 caravan being directly opposite the domestic curtilage of the house. A tourism use would have a greater impact to the residents enjoyment of Southport House, and the design and materials would detract from the significance of the Listed Building.
- 7.36 In terms of impact on the Conservation Area, the design and materiality of the extant approval are inconsistent with the characteristics of the Conservation Area, and will be more prominent from the important views along Noddle Hill.
- 7.37 In terms of openness, the appeal proposal has a 75m (50%) reduction in spread across the site, and retains large areas of open space, hides and screens the parking areas and gardens, conceals the visibility of built-form, and therefore creates an increased level of openness and naturally landscaped, biodiverse scheme in comparison to the extant approval.
- 7.38 On balance, the proposal when compared to both the existing site, and the extant approval, would constitute an overall improvement to the site in terms of design, character, scale, spread, impact on Southport House, impact on the Conservation Area, visibility, access, landscape, biodiversity, access, and vehicle movements.
- 7.39 It is therefore considered the appeal proposal would not result in any additional harm in comparison to the harm that would occur as a result of implementing the extant permission, and would in fact create an overall improvement, with a number of benefits.
- 7.40 Another key material consideration is the negative impact of the current site with regards to scale, visibility, materiality, condition, site configuration, landscaping, and profile. Impact is related to the visual impact on the setting of the village, impact on the local residents and visitors of Sawley, and impact on the setting of the heritage assets.

- 7.41 In contrast, the high-quality architectural design response would create 2 beautiful, sustainable family dwellings which reflect the characteristics, materiality and vernacular of the village. Designs of which were well-received and highly commended by the Parish Council and local residents.
- 7.42 The final material consideration is the unprecedented level of support from the local community, and the increasing concern from the Sawley residents for the future of the site. The Parish Council provided their unanimous support, 46 letters of support were received from local residents, and the absence of any objections from statutory consultees or local residents, all of which are highly unique for applications of this nature located within rural villages, and in highly sensitive locations.

Reason 2:

The proposal would result in the introduction an anomalous, discordant and unsympathetic form of development that fails to positively respond to the inherent character of the area, the immediate and wider historic townscape or the inherent pattern of development of the designated Sawley Conservation Area. As a result, the proposal will result in significant harm to views into and out of the designated Conservation Area, also resulting in measurable harm to the significance and setting of a Grade II Designated Heritage Asset (Southport House).

As such the proposal is considered to be in significant direct conflict with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy, Paragraphs 130, 134, 200 and 202 of the National Planning Policy Framework and the Planning (Listed Building and Conservation Areas) Act 1990.

- 7.43 As neither Heritage England nor Growth Lancashire had been consulted on the application, the heritage assessment is based solely on the planning officer's viewpoint.
- 7.44 The assessment was also heavily based on the dismissed appeal for one detached dwelling, which is covered in further detail below.
- 7.45 The strong negative comments regarding design, were also contrary to the comments made by the same planning officer during the pre-application meeting who said they had no issues with regards to the same design proposal, which would have received support as a luxury holiday home use. It should also be noted that no such issues or concerns were raised during the application period.
- 7.46 The reason for refusal has been broken down into its key issues, where each have been assessed in detail below.

Result in the introduction of anomalous, discordant and unsympathetic form of development.

- 7.47 The proposed design process involved a highly detailed assessment and analysis of the site, context, and history of the site. A desktop archaeological study was undertaken, and a historic analysis of the Abbey, Southport House, and the Conservation Area which identified key characteristics of the local architectural vernacular. A visual context assessment was also undertaken which dictated where built-form could be located in order to minimise visibility. The proposed design was then derived from this detailed assessment.
- 7.48 The Sawley Conservation Area Appraisal (SCAA) states that *'Sawley's buildings are attractive because of the homogeneity of the stone walls and roofs all built from local stone with boundary walls of the same material.'*
- 7.49 The proposed materiality includes natural local stonework, stone slate roofs, stone window surrounds, and dry stone boundary walls – all of which reflect the materiality of the village.
- 7.50 The proposed design incorporates 2-storey pitched roofs, traditional cottage-style forms, courtyard arrangements, a mix of 2-storey and single-storey elements, and parapet roof details – all key characteristics of Southport House, Sawley Abbey and other local properties.

- 7.51 Therefore, we would disagree with the above statement, and argue the design is sympathetic, references the sensitive context, and responds to the characteristics, materials and vernacular of the village.

Fails to positively respond to the inherent character of the area, the immediate and wider historic townscape or the inherent pattern of development of the designated Sawley Conservation Area.

- 7.52 The Sawley Conservation Area Appraisal (SCAA) identifies various features which give the Conservation Area its special architectural and historic interest, with a presumption that all of these features should be 'preserved or enhanced'.
- 7.53 It describes the distinct areas of the village of which, the oldest part of the village is located to the East of the road which consists of the Abbey ruins, the school (now the village hall), an 18th Century farmhouse (Southport House) and the Abbot's House. The historic features to the West of the road are positioned at right angles to the road including the site of the former Abbey Mill and some older cottages.
- 7.54 Therefore, historically, the built-form was predominantly located on the East side of the road, and aligned perpendicular to the road (The Long Building, The Abbey, Sawley School, Southport House, and The Old Printworks.)
- 7.55 Sawley village as it stands today has a linear arrangement with no clear nucleus. The earliest settlement consisted of six of so tenanted farms with undeveloped open space between. However, from the 1950s onwards, 20th Century dwellings began to infill the open space along the main road.
- 7.56 The SCAA reads *'In the twentieth century there has been much infill along the main street and the Sawley Road, so that half of the houses in the vicinity of the Abbey are of recent construction, these modern encroachments were not in keeping with the architectural character of the village, competed with the Abbey for visual dominance, and detracted from the setting of these important medieval remains.'*
- 7.57 The SCAA highlights the weaknesses and principal negative features which include:
- the modern development sited along the main street;
 - the group of four large and redundant silos and battery hen units;
 - the poor condition of Southport House;
- 7.58 It would therefore be contrary to the SCAA to continue linear built-form to the West of the main road which is a negative feature of the Conservation Area. Instead, the proposal removes one of the key negative features of the Conservation Area, which is currently impacting one the key characteristics of the village (the open character to the East).
- 7.59 The planning officer's assessment is therefore based on recent 20th Century built-form rather than the historic townscape and inherent pattern of the designated Sawley Conservation Area. When assessed against the historic fabric, the key characteristics, and the strengths and weaknesses of the Conservation Area – the proposal provides a positive response to the site which would create an overall enhancement to the Conservation Area.

Result in significant harm to views into and out of the designated Conservation Area.

- 7.60 As the site is located outside of the Conservation Area, the assessment appears to be based on the **impact on the setting of the adjacent Conservation Area**, and impact on the inward and outward views of the Conservation Area.
- 7.61 The SCAA identifies 16 important views within the village / Conservation Area [see Appendix 13]. The views which are orientated towards the site include:
1. Eastward views from the banks of the Ribble opposite Bankview Cottages; (575m away)
 2. Westerly views across Sawley Park and down onto the Abbey from the Noddle Hill road. (250-415m away)
- 7.62 In terms of viewpoint 1 (above), the site is not visible from Bankview cottages, due to screening created by the built-form along Sawley Road. There is therefore no harm to this important viewpoint.
- 7.63 Therefore, of the 16 important views, the application site can only be seen from 3, all of which are all positioned along Noddle Hill Road. These viewpoints are from an elevated level and therefore the site can be seen in the distance, within the context of the Abbey ruin.
- 7.64 It is now important to consider the current harm compared to the proposed harm from this viewpoint.
- 7.65 The existing structures on the site are visible, large, and unsightly. The existing materiality is highly reflective and includes continuous built-form stretching across the length of the site, in a semi-ruinous state. The application site in its current form has a negative visual impact and is visible from this view in the context and periphery of the Abbey precinct.
- 7.66 Despite being visible from this distance viewpoint, it is considered the close proximity views of the existing site have a significantly higher level of impact from Sawley Road, across the area of 'significant open space'. Of which, the scale and condition of the existing structures dominates the backdrop of the village, and can be viewed from Sawley Village Hall, Southport House, the children's play area, the Abbey Precinct, and from many neighbouring properties. Therefore, the current site and the existing structures create a significant level of harm from close proximity viewpoints.
- 7.67 In contrast, the proposed scheme will be low-lying, predominantly single-storey, heavily screened, and the proposed materiality will blend seamlessly with the existing and proposed natural landscaping, continuing the same architectural materiality and language of the village, in a considerably reduced scale, height and mass.
- 7.68 It is therefore a fair assessment that the existing harm and negative impact of the site is far greater than the proposal.
- 7.69 In terms of visibility when approaching the Conservation Area, the site is not visible when approaching from the A59, Grindleton or Bolton by Bowland, and will therefore have no visual impact.

- 7.70 The planning officer states there would be 'significant harm' to the setting of the Conservation Area which would 'erode the sense of openness' which based on the above, is not an accurate portrayal.
- 7.71 Therefore, based on having no impact from the important views of the CA; the reduced scale, materials, and height compared to the existing structures; the reduced level of harm compared to the existing structures; the lack of visibility when entering the CA; and the improved extent of openness across the site; the proposal would not result in significant harm to the important views into and out of the Conservation Area.

Resulting in measurable harm to the significance and setting of a Grade II Designated Heritage Asset (Southport House).

- 7.72 In terms of level of impact to heritage assets, the level of harm can be categorised by the following:
- Highest impact: Total loss
 - Medium impact: Substantial
 - Lowest impact: Less than Substantial
- 7.73 The site does not contain any architectural or historic elements, and there is no loss, or direct impact to any listed buildings, assets, or the Conservation Area. Therefore the only area of 'impact' which can be assessed, is in relation to the **setting**. In this instance, this is in relation to the closest Listed Building Southport House.
- 7.74 The reason for refusal is therefore based on the **visual impact on the setting** of the Grade II Listed Building Southport House. The planning officer has categorised the level of harm as '**less than substantial**' which is the lowest level of impact.
- 7.75 It should be noted that the impact relates to the 'setting of the building' not the building itself, which has a much lower level of impact than any development directly impacting the listed building.
- 7.76 The planning officer's assessment is heavily based on the appeal decision for one detached dwelling (3/2015/0509). As each scheme should be judged on its own merit, it would not be a fair assessment to refer to the appeal decision without analysing the key differences between the current scheme and the dismissed appeal.
- 7.77 For context on the dismissed appeal for one detached dwelling (3/2015/0509), the inspector stated '*the settings of the following listed assets would all remain unaffected by the proposal: Sawley Abbey, Abbey Cottage, Ivy Cottage, the Reading Room, the Scheduled Ancient Monument and the Conservation Area. The adjacent AONB would also remain unimpacted, and the removal of the existing poultry sheds would enhance the site. Whereas the scale and bulk of development proposed would have a harmful impact on the setting of Southport House, categorised as 'less than substantial'.*'
- 7.78 What the planning officer's recent assessment fails to acknowledge, is the following key differences between the previously dismissed appeal and the current scheme, which in turn would reevaluate the level of harm to Southport House:
- At the time of the appeal, Southport House was a vacant property, had fallen into disrepair and the future of the asset was at-risk. It would have therefore

negatively impacted the significance of the asset to construct a large, contemporary, new build dwelling on the site adjacent, when the existing asset was at risk of total loss.

- Since the appeal, Southport House has now been restored to a high-standard, the property is occupied, and the heritage asset has been safeguarded.
- As the appeal was in 2016 (7 years ago) the condition of the site and the existing structures has further deteriorated. The site is in a much worse state than it was at the time of the appeal. Since then, the site has experienced further decline, and the negative impact on the village (and Southport House) has increased. It would therefore be argued that the further deterioration of the site creates a higher level of negative impact on the surrounding heritage context.
- The dismissed scheme was not a context-specific design, and did not relate to the existing character of the village, the design was urban in style, and incorporated features which were alien to the village.
- The full extent of the site was proposed as domestic curtilage, with an open aspect and no boundary treatments along the access lane.

7.79 The reasoning behind the 'less than substantial' harm assessment for the dismissed appeal design was related to the scale and bulk of the design. Therefore, for the following reasons – the current proposal addresses this issue and is therefore considered to reduce the level of harm.

- The dismissed design was a large contemporary urban dwelling rising to 7.9m, which continued the full length of the property.
- As the new proposal is predominantly single-storey, the dismissed appeal was 2270mm higher than the main extent of the development, and 770mm higher than the 2-storey elements.
- The dismissed proposal was 6m closer to Southport House than the 2-storey element of the new proposal.
- The North elevation contained a large 2-storey glazed element, and a cylindrical form which faced the scheduled listed monument.
- The full extent of the site was proposed as domestic curtilage, with no boundary treatment between Hollins Syke.

7.80 Therefore, the new design involves an overall reduction to the scale and bulk in comparison to the dismissed scheme. This is achieved by sensitive siting, a reduction in height, a new landscaping scheme and a staggered footprint and massing arrangement.

7.81 An important key consideration is also the existing level of harm of the existing development on the adjacent listed building. The current residents of Southport House provided a letter of support for the application, who expressed how the existing condition of the site negatively impacts their enjoyment of their property.

7.82 Having viewed the outlook from the property along with many others within the village, this level of harm on the local residents is substantial, and significantly higher than the proposed scheme, which if assessed as part of the planning balance exercise could even rise to '**substantial harm**'.

7.83 If the existing harm can be categorised as 'substantial' and the proposed level of harm is categorised as 'less than substantial' or even 'no harm', then the proposal would

result in a reduction to the level of harm on the heritage assets. Therefore, as the Local Authority have a duty to protect heritage assets and their setting, proposals which reduce the level of harm should be supported.

- 7.84 As the planning officer has categorised the level of harm as 'less than substantial' the harm needs to be outweighed by public benefit. This application received an unprecedented level of support from the local residents and the parish council who all have a strong interest in the future of the site, the beauty of the village, and concern about the current site.
- 7.85 The application would therefore provide a public benefit to redevelop the existing site which is having a considerable impact on the local community and their enjoyment of the village, their properties, visitors to Sawley, and the popular walker's route along Hollins Syke. Additional public benefits have been considered and provided within Section 8.39 – 8.52.
- 7.86 It is therefore concluded that when the impact of the proposed scheme is assessed against the site in its current form, and when compared to the dismissed appeal, the proposal would not result in measurable harm to the significance and setting of a Grade II Designated Heritage Asset (Southport House), and would in fact reduce the level of harm to the setting.

Reason 3:

The proposal is considered contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework. Particularly insofar that approval of the proposal would result in the introduction of an anomalous and discordant pattern and form of development, that by virtue of their siting (east of Sawley Road), the scale of the proposed dwellings, their inherent footprints, the northern boundary wall and site configuration, would result in a form of development that would fail to respond positively to the inherent pattern of development within the area or the scale of nearby or adjacent built-form, being of significant detriment to the character and visual amenities of the immediate area and that of the defined open countryside.

- 7.87 The reason for refusal has been broken down into its key issues, where each have been assessed in detail below.

Would result in the introduction of an anomalous and discordant pattern and form of development.

- 7.88 As this reason for refusal repeats the same points raised in Reason 2, please refer to the points covered previously for Reason 2.

By virtue of their siting (East of Sawley Road), the scale of the proposed dwellings, and their inherent footprints, the Northern boundary wall and site configuration, would result in a form of development that would fail to respond positively to the inherent pattern of development within the area, or the scale of nearby or adjacent built-form.

- 7.89 As this reason for refusal repeats the same points raised in Reason 2, please refer to the points covered previously for Reason 2. The additional points raised will be covered below.
- 7.90 The site is brownfield, 'Previously Developed Land' currently containing large despoiling, unattractive built-form, aligned perpendicular and to the East of Sawley Road. This built-form has been part of the developed urban grain of the village for the last 40 years, and the considerable reduction in built-form, footprint, volume, bulk and scale has been overlooked during the assessment.
- 7.91 The scale of each proposed dwelling is not excessive, each property contains 4-bedrooms, with only 1 element of each dwelling being 2-storey. Therefore, as the properties are predominantly single-storey, their footprints are larger than a typical 2-storey dwelling.
- 7.92 During the design development stages and visual impact assessment, it was more important to limit the overall height, and screen any parking and garden areas, than to create typical 2-storey matching dwelling arrangements.
- 7.93 Sawley consists of a wide variety of architectural styles and various scales of properties, including 2-storey detached dwellings, 3-storey terraces, semi-detached dwellings, barn conversions, bungalows, housing estates, and even a new-build manor house.

- 7.94 The site layout can suitably accommodate the 2 properties, whilst the configuration prevents any future development, and retains areas of open space for wildflower planting outside the defined domestic curtilage.
- 7.95 The Northern boundary wall has been described in the planning officer's report as '*a significantly visually imposing and incongruous feature....which is incongruous, anomalous, and discordant...which would introduce a man-made linear feature of a scale, height and appearance that fails to visually relate successfully to any defining features within the area.*'
- 7.96 This English Walled Garden design feature was included within the pre-application submission, of which the officer raised no concerns.
- 7.97 All of the local stone wall perimeter boundaries, including the Abbey are man-made, and linear, and are an important characteristic of the area.
- 7.98 This stone wall is an architectural design response to the stone perimeter wall surrounding the Abbey - one of the key surviving elements of the original abbey, and a feature which is common across the Ribble Valley – The English Walled Garden.
- 7.99 The site will sit behind the wall which will conceal the single-storey elements of each property, the parking, garaging and gardens. Sections of the natural dry stone wall will form the edge of the building, the garden or courtyard wall, with small vistas and openings in the wall at key moments. The wall will be set-back from the access lane with a wild flower buffer, tree planting and climbing plants in between, providing an improved boundary treatment along Hollins Syke whilst continuing the architectural language of the village.
- 7.100 Therefore, for the reasons stated above, the wall would not be a visually imposing feature, it is an architectural feature which responds to the heritage, and key features within the village, with the scale and materiality reflecting the stone boundary walls throughout the Ribble Valley.

Being of significant detriment to the character and visual amenities of the immediate area and that of the open countryside.

- 7.101 As this reason for refusal repeats the same points raised in Reason 2, please refer to the points covered previously for Reason 2. The additional points raised will be covered below.
- 7.102 The current site is causing a severe detrimental impact to the enjoyment of the popular walkers route along Hollins Syke, the character of the immediate area, the enjoyment of neighbouring properties, and visitors experiencing the village. The existing structures are unsightly and visible throughout the village, and are now semi-derelict. The site has been the target of fly-tipping [see Appendix 14], has experienced a fire, and is generally seen as an eyesore within such a picturesque village.
- 7.103 The proposal would remove all of the above issues, and redevelop the site to create 2 high-quality exceptional rural dwellings. The outlook from neighbouring properties would improve, and the landscaping proposal would increase the biodiversity, natural screening, and create a wildlife haven along Hollins Syke for walkers to enjoy.

- 7.104 Therefore, for the points covered above, the **proposed design** cannot be described as detrimental to the visual amenities of the area and the open countryside. However the existing site can be.

Reason 4:

The creation of new residential dwellings in this location would lead to the perpetuation of an already unsustainable pattern of development, without sufficient or adequate justification, insofar that occupants of the residential dwelling would fail to benefit from adequate walkable access to a wide range of local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.

- 7.105 Sawley village contains over 20 dwellings, and community facilities such as a public house, village hall, school, children's play area, and retirement home. Sawley can therefore be described as a 'defined settlement' based on the RVBC definition.
- 7.106 The site is located central to the village with the application boundary abutting the settlement boundary, the site is therefore part of the village settlement in terms of location.
- 7.107 In terms of accessibility, Sawley sits along the primary network route of the A59 corridor between Clitheroe (7km and Gisburn 6km). The A59 is located 400m from the site and links Preston to Clitheroe.
- 7.108 An appropriate walking distance to public transport is 400m which equates to 5 minutes walk. There are 3 bus stops which are all 400m walk from the site which operate 5 bus services in regular intervals throughout the week and weekend. These services provide 17 daily routes to Tier 1 settlements, schools, and connect directly to Preston and Skipton [see Appendix 15].
- 7.109 The site is also located on the Lancashire Cycleway which provides a direct cycle route from the site to Clitheroe in 20-25minutes.
- 7.110 Sawley is a small village with limited retail facilities, but can reach the primary Tier 1 settlements of Chatburn in 4 minutes; Gisburn in 7 minutes; and Clitheroe in 10 minutes by car, therefore the location cannot be described as remote.
- 7.111 To avoid the reliance on travel by motor vehicle, the site is within walkable distance to public transport which can provide daily, regular access towns and villages between Preston and Skipton, school bus services, and the site is also located on the Lancashire Cycleway to promote sustainable transport methods.
- 7.112 The 2 families [REDACTED] they have vast knowledge of the local area, and they are aware of the transport options available to them, having lived here without concern or issue for the last 7/10 years. Their current properties [REDACTED] which is closer to the A59 and closer to 2 bus routes. Therefore, when their 2 properties are re-sold, the 2 additional dwellings to the village would not result in unsustainable development, and instead would enhance and build on the existing village community. The new families also having walkable access to public transport, the Lancashire Cycleway, and the village community facilities.
- 7.113 Each property includes provision for Electric Vehicle charging points, cycle storage, and working from home spaces, all designed to reduce the reliance on travelling by car, and promoting more sustainable methods of transport.

- 7.114 Assessing the sustainability of a site falls within the remit of LCC Highways, who raised no concerns with regards to the sustainable location, or access to public transport and facilities. LCC Highways also stated that the previous approval for 11 static caravans / lodge park would generate more vehicle trips than the current proposal.
- 7.115 Therefore, the reliance of travel by motor-vehicles would be far greater for the extant approval where tourists would travel greater distances to visit the site heavily relying on car-travel. There would also be a far greater impact from vehicle movements entering and egressing the site due to the number of units, which would impact the enjoyment and amenity of Southport House.
- 7.116 Understandably, large scale housing developments would be inappropriate within villages with limited services, as the infrastructure to accommodate such levels of development and influx of families would not be there. However, small-scale development for 2 local families [REDACTED] which benefit from walkable access to public transport, access to the national cycle network, and are located on a primary network route, should be supported.

8.0 Accordance with Planning Policy

- 8.1 The refusal notice states that the application was *contrary to*:
- *Policies DMG1, DMG2, DMG3, DME4, DMH3, Key Statement EN5, and Key Statement DMI2 of the Adopted Ribble Valley Core Strategy.*
 - *Paragraphs 130, 134, 200, and 202 of the National Planning Policy Framework.*
 - *Section 66 of the Listed Building & Conservation Areas Act 1990.*

Therefore, we will assess each policy stated above in order to demonstrate compliance with the appeal proposal.

- 8.2 By the exclusion of any further references to policies within the refusal notice, the application can be said to comply with all other relevant planning policies. The focus will therefore be on the policies highlighted above.

Policy DMG1

- 8.3 Policy DMG1 is focussed on high standards of design, including design which is sympathetic to existing and proposed land uses, including scale, materiality, visual appearance, layout, context, impact, style and features. Design should promote sustainable features and energy efficiency, and incorporate any nationally recognised standards.
- 8.4 Policy DMG1 also requires consideration of access, traffic and parking implications, protect and enhance public rights of way, ensure there are no impact to neighbouring amenities, or the natural environment, protect and enhance heritage assets and their settings, and promote efficient land use including the reuse and remediation of previously developed sites over greenfield sites.
- 8.5 Importantly and relevant to the appeal proposal is Policy DMG1 states that development must not prejudice future development which would provide significant environmental and amenity improvements.
- 8.6 It is therefore considered that based on the high-quality architectural design response; the sustainable design of each property; the sensitive response to the setting; the reduced impact of the scale, visibility and character; the enhancement and protection of the popular walker's route along Hollins Syke; the overall improvement to neighbouring amenities; the overall protection and enhancement of the heritage settings; and the re-use of a previously developed site; the proposal accords with Policy DMG1.

Policy DMG2

- 8.7 Policy DMG2 states that within the Tier 2 villages and outside the defined settlement areas, development must meet at least one of a number of considerations.
- 8.8 Of which, considerations which are relevant to the application are: The development should be essential to the social well being of the area; and the development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.

- 8.9 Development needs to be in keeping with, acknowledge, and enhance the character and landscape of the area whilst protecting and responding to the special qualities of the AONB through size, design, materials and siting.
- 8.10 Whilst the proposal does not meet the consideration in relation to local need housing, the proposal does meet the need of 2 families who wish to self-build [REDACTED] [REDACTED] This may not carry as much weight as affordable housing, but the scheme can also be argued to enhance the social well being of the area including the existing residents, and visitors of the village, through the removal of the existing structures and redevelopment of the site. It could also be said that 2 bespoke homes can be categorised as a small-scale use, which is appropriate to the rural area, and that a local benefit can be demonstrated. Therefore the proposal complies with Policy DMG2.

Policy DMG3 and Key Statement DM12

- 8.11 Policy DMG3 requires the local planning authority to attach considerable weight to the availability and adequacy of public transport serving the site including the relationship of the site to the primary route network, access by pedestrian cyclists and people with reduced mobility, including promoting development within existing developed areas or extensions to them at locations which are highly accessible by means other than the private car.
- 8.12 As demonstrated in Section 7.0 Reason 4, Sawley sits along the primary network route of the A59 corridor linking Preston to Clitheroe, located 400m from the site.
- 8.13 The site is also within the required walking distance (400m) to 3 bus stops providing regular daily public transport routes across Lancashire.
- 8.14 The site is also located on the Lancashire Cycleway which provides a direct cycle route from the site to Clitheroe in 20-25minutes.
- 8.15 Each property includes provision for Electric Vehicle charging points, cycle storage, and working from home spaces, all designed to reduce the reliance on travelling by car, and promoting more sustainable methods of transport.
- 8.16 It has therefore been demonstrated that the proposal accords with Policy DMG3 and Key Statement DM12.

Policy DME4 and Key Statement EN5

- 8.17 Policy DME4 promotes the conservation and enhancement of heritage assets and their settings. Proposals within or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character. Development which makes a positive contribution and conserves and enhances the character will be supported.
- 8.18 Development proposals on sites within the setting of a listed building which cause harm to the significance of the heritage asset will not be supported. Proposals should give adequate consideration of how the public understanding and appreciation of scheduled monuments could be improved. RVBC should support redevelopment proposals which better reveal the significance of heritage assets or their settings.

- 8.19 As the local planning authority have a duty under Policy DME4 to conserve and enhance heritage assets and their settings, and they should support redevelopment proposals which better reveal the significance of heritage assets or their settings; they therefore have a duty to support schemes which reduce the harm, and enhance sites within the settings of heritage assets.
- 8.20 If the site was greenfield, and consisted of an open undeveloped field, the proposal of 2 dwellings would understandably change the setting by the introduction of built-form. However, this site currently contains large industrial scale built form which is having a negative impact on the setting and appreciation of the neighbouring heritage assets.
- 8.21 When the proposed scheme is compared to the existing site, the proposal would reduce impact and harm in all aspects including:
- Scale
 - Visibility
 - Materials
 - Hard-standing
 - Spread
 - Volume
 - Footprint
 - Character
 - Views into and out of the Conservation Area
 - Views of and from Southport House
- 8.22 The reduction in harm can only therefore be concluded to improve and enhance the site, and better reveal the significance of the assets and their settings. As the proposal makes a positive contribution to the adjacent Conservation Area and conserves and enhances the character, the proposal accords with Policy DME4 and Key Statement EN5.

Policy DMH3

- 8.23 Policy DMH3 provides the limitations for residential development within the open countryside and AONB designation. This includes residential development which meets a local need, agricultural worker's dwellings, conversions of buildings to dwellings, and replacement dwellings.
- 8.24 Whilst 2 new-build residential dwellings on land designated as open countryside is contrary to policy DMH3, the site conditions are highly unique, therefore the site should not be assessed as a typical open countryside, greenfield site.
- 8.25 It is our experience that applications which may be contrary to policy in terms of the site designation, but are high-quality, sustainable, small scale rural developments can still be supported if they are located within close proximity to the settlement boundary, and all other planning-related matters are acceptable.
- 8.26 As Policy DMH3 is the only planning-related conflict with the application proposal, once all relevant material planning considerations have been addressed and given their appropriate weighting, planning balance should tip in favour of support.

Paragraph 130

- 8.27 Paragraph 130 of the National Planning Policy Framework is focussed on high quality design, and design which reflects the quality of the area, including visually attractive architecture, effective landscaping and sympathetic design which reflects the local character and historic environment.
- 8.28 Design should achieve the above whilst promoting appropriate innovation or change and maintaining a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Schemes should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; whilst creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 8.29 The proposal has been derived from undertaking a detailed analysis and assessment of the important characteristics of the village, neighbouring heritage assets, visual impact and the history of the village. The key driver of the scheme was to create a high-quality, sensitive, architectural response to the site whilst creating 2 highly sustainable eco-homes for the applicants and their families.
- 8.30 The proposal creates a highly attractive, naturally landscaped, sympathetic solution to a problematic site which has been a grave cause of concern to the local community. It is therefore considered the proposal is in accordance with Paragraph 130.

Paragraph 134

- 8.31 Paragraph 134 of the National Planning Policy Framework states that development that is not well designed should be refused, and significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 8.32 Based on the points raised in relation to Paragraph 130, the proposal accords with Paragraph 134 in terms of high quality design. In terms of local design guidance, the Sawley Conservation Area Appraisal was analysed prior to the design process which sets out the key characteristics and features of the village.
- 8.33 Whilst traditional materials and forms have been used to reflect the character of the village, these have been paired with sustainable design principles through a contemporary application. Heritage England were consulted on the previous application and commented that '*the site would be enhanced through the removal of the hen sheds and the choice of a contemporary architectural idiom helps maintain the historical authenticity of the village*'.
- 8.34 One of the key design drivers was to create 2 highly sustainable dwellings. The properties have been designed to minimise the energy required for heating, cooling, and ventilation by introducing on-site energy production and minimising energy usage through design. Features of which will include 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.

8.35 It can therefore be considered that the proposal is in accordance with Paragraph 134.

Paragraph 200 of the National Planning Policy Framework

8.36 Paragraph 200 of the National Planning Policy Framework states *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

8.37 As no heritage-related consultees were consulted on the application, all comments regarding design and impact on heritage have no evidential basis, as they were not provided by a suitably qualified heritage expert. Despite Heritage England being consulted on the previous application for one detached dwelling, and the 11 static caravan / lodge park.

8.38 This item has been covered in detail within Section 7 of this document, please refer to Reason 2.

Paragraph 202 of the National Planning Policy Framework

8.39 Paragraph 202 of the National Planning Policy Framework states *'Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.*

8.40 The proposed photomontages demonstrate there is no negative visual impact, and as the level of harm was assessed on this basis, the level of harm should be reassessed as 'no harm', therefore the requirement for public benefit is no longer relevant [see Appendix 16]. However, the following points have been raised in order to address the council's reason for refusal in relation to Paragraph 202 and 'public benefit'.

8.41 This scheme is not for a public building therefore the public benefits of the scheme are not appropriate as the only form of assessment for this application, and a full planning balance would assess all planning-related matters with their relevant weighting.

8.42 A number of successful planning applications have been referred to in Section 9.0, which are within the setting of a heritage asset, are for private use, have no public benefit, and could be argued have a greater impact than the appeal proposal. For this particular scheme there are other more relevant planning policies which should be taken into account during the planning balance exercise.

8.43 Hollins Syke is not a public right of way, however it has been used by members of the local community and visitors as a popular walking route for many years. During the public consultation exercise, local residents requested the lane remains open to the public and commented how the re-development of the site and the new landscaping proposal would greatly enhance their enjoyment of the route.

- 8.44 Being located within close proximity to a public footpath, high-quality buildings which have been architect-designed and respond sensitively to the context, create valuable additions to the local area. For example, an approved ZMA project located locally in Roughlee, Pendle has received over 600 positive comments during its construction regarding the high-quality design, primarily from local walkers and passers-by, and is located both within the AONB, Open Countryside, and within 75metres of a listed building.
- 8.45 The development would result in social benefits from the provision of housing in an accessible, established village settlement location, building on the existing village community. It would contribute to the housing needs of the borough, and its five-year housing supply and contribute positively towards the overarching Government's agenda of boosting housing supply.
- 8.46 The development also contributes to the self-build requirements of the borough and local area which is in-line with the Government's Levelling-Up and Regeneration Bill. A recent proposed change to legislation requires local planning authorities to approve sufficient permissions for self-build and custom housebuilding in order to meet the demand of local community.
- 8.47 Therefore, the local authority has a statutory duty to grant planning permission to meet the demand for self-builders within the local area, and is therefore considered an important material consideration, to be given considerable weight such that it outweighs other policy conflicts.
- 8.48 The development of 2 self-build dwellings makes a small contribution to the housing needs of the borough, whilst providing multi-generational homes allowing 2 local families to continue living in their home village.
- 8.49 The development would also result in economic benefits including employment and economic activity from the construction period and an increase in subsequent local expenditure through residents supporting the local economy.
- 8.50 Small-scale high-quality bespoke housing developments, require a high level of professional input and expenditure spent on specialist, local professionals, sub-contractors and suppliers. These businesses will be in the form of local SME's which, as a result, provides an economic benefit localised to the Ribble Valley SME business community.
- 8.51 As a consequence, construction projects such as this would inject +£1.5million per project into the local Ribble Valley business community resulting in job creation, local business growth and therefore provide significant benefits to the local business economy.
- 8.52 Based on the above, it can therefore be demonstrated that the proposed scheme would generate a number of public benefits and therefore accords with Paragraph 202.

Section 66 of the Listed Building & Conservation Areas Act 1990

- 8.53 Section 66 of the Listed Building & Conservation Areas Act 1990 states that:
'In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, and in particular, listed buildings.'
- 8.54 The desirability of preserving the building and its setting and any features of special architectural or historic interest have been at the forefront of the design proposal. The applicants have a strong personal connection to the village and want to resolve the problem site through a scheme which reflects and highlights the key characteristics and architectural features of the village.
- 8.55 The neighbouring listed building will be preserved in its entirety with no direct impact to the existing property, nor within the building curtilage, nor within its immediate vicinity.
- 8.56 There are no architectural or historic features on the site which will be impacted by the development, and instead the key features of the listed building have influenced the architectural design response. By incorporating the important characteristics of the Conservation Area, Southport House and neighbouring properties, the proposal creates an overall enhancement to the setting by placing further emphasis on the heritage of the village.
- 8.57 In terms of the setting of the listed building, the openness to the East of Sawley Road was highlighted as being an important feature of the setting, which should be retained. The proposal retains large areas of open land to the East, West and central to the site equating to 5495sqm.
- 8.58 It has therefore been demonstrated the proposal would increase the extent of openness in comparison to the existing site, there will be no impact to the adjacent heritage asset and the proposal is in accordance with Section 66 of the Listed Building & Conservation Areas Act 1990.

9.0 Relevant Planning Approvals

- 9.1 The following applications have been approved in Ribble Valley Borough Council or neighbouring Local Authorities and have similar heritage or planning constraints to the appeal proposal.

3/2022/0568: Erection of four new residential dwellings with new access

- Local Authority: Ribble Valley Borough Council
 - Designation: AONB, outside the defined settlement boundary
 - Heritage asset: Within the setting of a Grade II Listed Buildings. Part of the site is within the Conservation Area.
- 9.2 This application proposes 4 detached dwellings on a green field undeveloped site, outside the defined settlement boundary within a Tier 2 village (Chipping). The site is located within the AONB, part of the application boundary is located within the Conservation Area and within Flood zones 2 and 3, the site is within the setting of Grade II Listed Buildings and is located adjacent to a Biological Heritage Site (BHS).
- 9.3 The proposed dwellings are highly contemporary, with features uncommon across the Ribble Valley, the open market housing, were not for a proven local need. It was also considered that the site was in an unsustainable location with poor inadequate access to public transport.
- 9.4 It can therefore be said that despite a number of parallels, the site constraints of this approved site, were considerably worse than the appeal site. However, despite the numerous policy conflicts with this site, the significant material consideration which tipped planning balance in support, was an extant planning approval which represented a fall-back position.
- 9.5 Once the planning merits of the proposal were assessed by comparison with the fall-back scheme, it was concluded that the proposal would not result in any additional harm and result in some benefits, which included: the same footprint, the character and appearance would be more in keeping, the bulk and massing being broken up with single-storey elements and staggered building footprints, and an improved access.
- 9.6 This approved scheme had considerably more planning-related conflicts than the appeal proposal, however it was approved based on 1 material planning consideration which was enough to tip planning balance in favour of support. The appeal proposal also has an extant planning approval which represents a fall-back position, and should therefore be given the same considerable weight.
- 9.7 Therefore, as we have demonstrated the appeal proposal complies with all planning related policies other than DMH3, and represents a more compliant scheme than this example, all of the significant material considerations along with the fall-back position should tip the planning balance in support.

APP/T2350/W/21/3269165: Permission in Principle for three dwellings

- Local Authority: Ribble Valley Borough Council
- Designation: Open Countryside, outside the settlement boundary

- 9.8 This application proposes 3 residential dwellings on previously developed land, outside the settlement boundary, on land designated as Open Countryside. The application was refused, which was appealed and allowed.
- 9.9 Despite being contrary to policies DMG2 and DMH3, the appeal was allowed based on being located adjacent to the settlement boundary and the previously developed condition of the site which did not have an 'open undeveloped field' character, improving the sites appearance without harm to the open countryside.
- 9.10 Therefore, as the policy conflict with DMG2 and DMH3 was concluded as minor, and the proposal would be aligned with the Government's objective to significantly boost housing supply, the appeal proposal should also be allowed.

3/2021/1042: Erection of one new two-storey three-bedroom dwelling

- Local Authority: Ribble Valley Borough Council
- Designation: Open Countryside, outside the settlement boundary

- 9.11 This application proposes 1 detached dwelling on a green field undeveloped field, outside the settlement boundary, on land designated as Open Countryside. The application was recommended refusal, however was approved by the planning committee.
- 9.12 This approval would have had a greater impact on the Open Countryside, due to being an undeveloped site, without the same level of material considerations.
- 9.13 Therefore, as this application was acceptable in terms of DMG2 and DMH3, the appeal proposal should also be allowed.

APP/T2350/W/18/3202661: Conversion of barn to two dwellings creation of garages and gardens

- Local Authority: Ribble Valley Borough Council
- Designation: AONB, Open Countryside, outside the settlement boundary
- Heritage asset: Non-Designated Heritage Asset

- 9.14 This application proposes to convert a Non-Designated Heritage Asset in Bolton-by-Bowland into 2 residential dwellings. The application was refused, which was appealed and allowed.
- 9.15 Whilst conversions of barns to residential dwellings complies with DMG2 and DMH3, RVBC stated the site being located 1.5km away from the settlement boundary would constitute an unsustainable location.
- 9.16 However the inspector concluded that the site had a close visual relationship with an existing group of buildings, therefore the site would not be isolated, and the removal of 20th century additions to the site would enhance the immediate setting.

- 9.17 Therefore, as this application was acceptable in terms of creating 2 residential dwellings outside the defined settlement boundary, and being an unsustainable location was not a reason for dismissal, the appeal proposal should also be allowed.

22/0333/FUL: Erection of two detached dwellings

- Local Authority: Pendle Borough Council
- Designation: Green belt, outside the settlement boundary
- Heritage asset: Within the setting of a Grade II Listed houses, gate and gardens. Adjacent to the Conservation Area.

- 9.18 This application proposes 2 detached dwellings, directly opposite the Grade II Listed Hartley Homes properties. Growth Lancashire was consulted on the application and concluded that the development site is far enough removed not to impact the appreciation of the listed houses. The outward views from the listed buildings can still be appreciated over and above the development site due to the listed buildings being at an elevated position in comparison to the development site, and the low-profile design and use of natural stone assists in blending the new designs in the landscape. It was also considered the properties being screened by the vegetation also minimised the impact and based on the above, Growth Lancashire concluded there would be no harm to the significance of the listed buildings.

- 9.19 Many parallels can be drawn between the appeal site and this planning approval (22/0333/FUL), with the exception of the Grade II Listed Hartley Homes properties being closer to the development site, being designated as Green belt which places a higher value on preserving the openness, and the Hartley Homes listed buildings having a greater visual presence and prominence from a main road.

- 9.20 Therefore, as this application was acceptable in terms of heritage, the appeal proposal should also be allowed.

19/0535/FUL: Erection of 2 detached dwellinghouses with associated parking and landscaping (resubmission)

- Local Authority: Pendle Borough Council
- Designation: AONB, Open Countryside, outside the settlement boundary
- Heritage asset: Adjacent to Grade II Listed house

- 9.21 This application proposes 2 detached dwellings and a detached garage within the setting of a Grade II Listed Building – Dam Head Farmhouse and Farm. The application was recommended approval by the planning officer but was refused at planning committee based on one reason (impact on the AONB). The application was then appealed and allowed.

- 9.22 This application site was within the setting of a listed building, and yet had no heritage-related concerns or impact and is positioned in a more prominent location than the appeal site. Therefore, as this application was acceptable in terms of heritage, the appeal proposal should also be allowed.

10.0 Conclusion

- 10.1 This Statement of Case has been prepared by Zara Moon Architects (ZMA) in support of a planning appeal on behalf of the appellants, Adam Turner and Simon Dawson.
- 10.2 The site has been a problematic eyesore within Sawley Village for the last 20 years. Adam Turner and Simon Dawson [REDACTED] [REDACTED]
[REDACTED]
- 10.3 Over the last number of years the applicants have witnessed the impact of the site on the village and local residents, and felt something needed to be done. [REDACTED] Adam and Simon [REDACTED] However, the only way of financing the clearance would be if they sold their existing properties and self-built their own homes.
- 10.4 The 4 reasons for refusal were based on the creation of new residential dwellings outside the defined settlement boundary; impact on the heritage assets; design in relation to the village; and an unsustainable location.
- 10.5 Whilst 2 residential dwellings on land located outside the defined settlement boundary is contrary to policy DMH3, this is the only planning-related conflict. However the site conditions are highly unique and every scheme should be judged on its own merit.
- 10.6 Throughout this statement we have provided justification and evidence to demonstrate the following with regards to the appeal site and the proposal:
- The site is within a sustainable, accessible location;
 - The site is not isolated, and has a close visual relationship the village;
 - The proposal would not negatively impact the Conservation Area;
 - The proposal would not negatively impact Southport House;
 - The site is a brownfield, Previously Developed Site;
 - The proposal is a high-quality context-specific design response;
 - The proposal reduces the level of harm to the heritage assets when compared to the existing site, the extant approval, and the dismissed appeal proposal;
 - The proposal provides a number of public benefits;
- 10.7 Within Section 9.0 a number of relevant approvals have been highlighted which lie outside the defined settlement boundary, and have been approved. Each scheme was deemed acceptable for 1 or more of the following reasons, despite being located outside the defined settlement boundary:
- Material planning considerations;
 - Extant planning approval representing a fall-back position;
 - Located close or adjacent to the settlement boundary;
 - Despite being located a significant distance from the settlement boundary, having a close visual relationship with adjacent buildings.
- 10.8 It would therefore be a fair assessment that applications which may be contrary to policy in terms of location, but are high-quality, sustainable, small scale rural

developments can still be supported if they are located within close proximity to the settlement boundary, and all other planning-related matters are acceptable.

10.9 In addition to the points covered above, the following represent key material considerations, which when assessed and given their appropriate weighting, planning balance should tip in favour of support:

- The negative impact of the current site with regards to scale, visibility, materiality, condition, site configuration, landscaping, and profile. Impact is related to the visual impact on the setting of the village, impact on the local residents and visitors of Sawley, and impact on the setting of the heritage assets.
- The site benefits from an extant planning approval for 11 static caravans / holiday lodges, which represents a fall-back position. When the proposal was assessed against the planning merits of the extant approval, it was concluded the proposal would result in a reduction in harm with a number of benefits.
- The proposed development accords with the Government's agenda to boost housing supply, contributes to the borough's 5 year housing supply, and to the borough's self-build requirements. A number of public benefits have also been identified as a result of the development, which include improved amenity and economic benefit localised to the Ribble Valley SME business community.
- The unprecedented level of support from the local community, and the increasing concern from the Sawley residents for the future of the site. The Parish Council provided their unanimous support, 46 letters of support were received from local residents, and the absence of any objections from statutory consultees or from local residents, all of which are highly unique for applications of this nature located within rural villages, and in highly sensitive locations.

10.10 The proposed dwellings have been designed as exceptional examples of rural property design, are high-quality and sustainable, with architectural design features which respond positively to the heritage of the site. Therefore, the new dwellings will enhance the existing site, whilst enriching the existing architecture and heritage of the village.

10.11 Therefore, based on all the information presented, it can be concluded that in overall planning balance, the benefits created by the scheme, paired with the material considerations, outweigh the minor policy conflict of DMH3, and the appeal should therefore be allowed.

Appendix 1



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

RIBBLE VALLEY BOROUGH COUNCIL

Officer:	Stephen Kilmartin	Direct Tel:	01200 414555	Council Offices Church Walk Clitheroe Lancashire BB7 2RA	
Email:	[REDACTED]				
Our Ref:	RV/2022/ENQ/00036				
Location:	Abbey Gardens – Land adjacent Southport House, Sawley, BB7 4LE			[REDACTED]	[REDACTED]
Proposal:	Demolition of 4 agricultural buildings and construction of 2 eco homes.				
Date:	15/11/22				

Pre-Application Enquiry Response

Dear Zara,

I write further to your submission of a request for pre-application advice at Land adjacent Southport House, Sawley, BB7 4LE. The enquiry seeks the Council's views on the potential to demolish existing buildings and construct two 'eco' homes.

As you will be aware the site is located outside of any defined settlement limits also being adjacent the designated Forest of Bowland AONB, Sawley Conservation Area and within the setting of the Listed Building known as Southport House.

As such, taking account of the nature of the proposal, the policies that are relevant to the determination of the proposed development(s) are considered to be as follows:

Relevant Core Strategy Policies:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement DMI2 – Transport Considerations

Key Statement EN5 – Heritage Assets

Policy DME4 – Protecting Heritage Assets

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport & Mobility

Policy DMH3 – Dwellings in the Open Countryside

National Planning Policy Framework (NPPF)

Preliminary Matters:

As you will be aware, the site to which the application relates has been subject to a previous Inspectors decision (APP/T2350/W/16/3152831), with that decision having been made in the context of the still adopted Ribble Valley Core Strategy.

As such, I would reiterate the findings of the Inspectors decision, particularly given there have been no significant material changes in adopted local planning policy that would necessitate or warrant the reexamination of the principle of residential development in this location. However, I will cover these matters briefly as follows:

Principle of Development:

Policy DMG2 of the Ribble Valley Core Strategy seeks to restrict residential development within the open countryside and Tier 2 Village settlements to that which meets a number of explicit criteria, with Key Statement DS1 also reaffirming these criteria and setting out the overall spatial aspirations for development within the Borough.

In respect of assessing the submitted proposal, Policy DMG2 remains fully engaged. 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.

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.

The proposal is located outside of any defined settlement limits, in this respect, when assessing the locational aspects of development, Policy DMG2(2) remains engaged 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.

It is clear from the submitted details that the proposal could not be argued as being 'essential to the local economy or social wellbeing of the area' nor could it be considered that the proposal 'is needed for the purposes of forestry or agriculture'.

In respect of the matter of 'local need', no evidence has been provided to suggest that the proposal would align with the definition of 'local needs housing' as defined within the Adopted Core Strategy which states that 'Local needs housing is the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment'.

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

Policy DMH3 is also applicable given the sites location outside of any defined settlement limits with the policy providing further context stating that:

Within areas defined as open countryside or AONB on the proposals map, residential development will be limited to:

1. Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied.
2. The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.
3. The creation of a permanent dwelling by the removal of any condition that restricts the occupation of dwellings to tourism/visitor use or for holiday use will be refused on the basis of sustainability.

In light of the above matters it cannot be considered that the proposal meets any of the exception criterion contained within Policies DMG2 nor DMH3 in relation to the creation of new dwellings outside of defined settlement limits.

Conclusion:

As such, taking account of the above, proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Adopted Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, 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.

Submission Requirements:

Should you proceed to submission of a formal full application, based on the nature of the proposal/site constraints identified above, it is my opinion that the Local Planning Authority would require the following information to accompany such an application to allow for an accurate assessment:

- Application forms
- Location plan
- Existing and Proposed Site Plan
- Existing and proposed land-levels (including sections)
- Elevations and floor plans (dimensioned, existing and proposed)
- Details of residential curtilage, boundary treatments and vehicular manoeuvring
- Heritage Statement
- Ecological Appraisal
- Arboricultural Impact Assessment (where applicable)

Please note this aforementioned required information may not be exhaustive and is provided on the basis of the level of information submitted. Failure to provide required information is likely to result in an application being made invalid until such information is received or potentially refused on the basis of insufficient information.

Please also be advised that Lancashire County Council provide a separate, chargeable pre-application service for highway related matters. You should contact the County Council directly to discuss any such issues - <https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/preplanning-application-highways-advice-service>

The above observations have been provided on the basis of the level of information submitted and the comments contained within this response represent officer opinion only, at the time of writing, without prejudice to the final determination of any application submitted.

Should you wish to discuss any of these matters further please do not hesitate to contact me.

Yours Sincerely

Stephen Kilmartin

Principal Planning and Urban Design Officer



Appendix 2

From: [REDACTED]
Sent: 21 June 2023 10:20
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Sawley chicken farm site

Adam and Simon.

I have just read that your application has been refused, which I think I and most villagers will find disappointing. It seems confusing to me that permission was given for holiday lodges, against the wishes of the PC and villagers, but not for two discreet houses.

I don't know how you intend to take this matter forward but let me know if I can be of any help.

Regards

[REDACTED]

From: [REDACTED]
Sent: Wednesday, June 28, 2023 3:36 PM
To: [REDACTED]
Subject: Re: Sawley chicken farm site

Good afternoon [REDACTED]

I know that the Parish Council sent a letter of support in March to the applicants, but no formal support letter was sent to the planners. There were no objections raised by Councillors to the proposed development at Sawley and ideally, with hindsight, it may have been worthwhile formally supporting the development after the Planning Application was made. I had assumed that our initial letter of support had been forwarded and was surprised, when I read the planners report, that there was nothing from the PC. Having said that, I did notice that 26 letters of support were received, but glossed over in the planners report!

My personal feeling is that a letter from the PC would have made little difference as the planners were sticking rigidly to their own criteria. I was struck by the fact that the "Relevant Planning History" section of the report did not include the decision to allow the erection of holiday lodges which, as I understand it, was an application opposed by villagers and the PC!

I actually raised my feelings on the matter at a PC meeting earlier this week, and the Clerk has been instructed to prepare a letter. It does seem to me that the application should have been called in and discussed in Committee.

Regards

[REDACTED]

Appendix 3



Mr Stephen Kilmartin
Ribble Valley Borough Council
Church Walk
Clitheroe
BB7 2RA

06 August 2023

Dear Mr Kilmartin

PLANNING APPLICATION 3/2023/0246 LAND ADJACENT SOUTHPORT HOUSE, SAWLEY

I am writing to advise of the disappointment of Bolton by Bowland, Gisburn Forest & Sawley Parish Council with the decision of Ribble Valley BC not to approve the plans for the development of the above location. The applicants attended a meeting of the parish council in February 2023 to outline their plans, which were met with a favourable response by parish councillors present at the meeting. The parish council also subsequently decided, as a body, to express their support for the applicants' plans and a letter to that effect was provided to the applicants. It is the parish council's understanding that the majority of the residents of the village of Sawley are also in favour of the applicants' proposed development of the site.

Whilst the parish council does not have the appropriate knowledge to comment on the planning reasons for refusal of the application it does wish to register its concern at the refusal of the application and also to express further disappointment that the application was not discussed at Committee level, although it is acknowledged that a relevant protocol has to be observed for this to occur.

Yours sincerely

FOR AND ON BEHALF OF BOLTON BY BOWLAND, GISBURN FOREST & SAWLEY PARISH COUNCIL


PARISH CLERK

Appendix 4

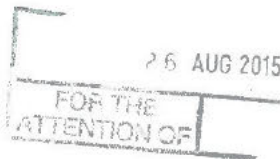


Historic England

NORTH WEST OFFICE

Mr Adrian Dowd
Ribble Valley Borough Council
Planning Department, Council Offices
Church Walk
CLITHEROE
Lancashire
BB7 2RA

Our ref: P00472312



25 August 2015

Dear Mr Dowd

**LAND ADJACENT TO SOUTHPORT HOUSE, SAWLEY ROAD, SAWLEY,
LANCASHIRE, BB7 4LE**

Application No 3/2015/0509

**Arrangements for Handling Heritage Applications Direction 2015 &
T&CP (Development Management Procedure) (England) Order 2015**

Thank you for your letter of 7 August 2015 notifying Historic England of the above application

Historic England Advice

The now ruined Sawley Abbey was founded in 1147 by William de Percy and dedicated to St Mary and St Andrew. It was of the Cistercian order and was originally built in a woodland clearing beside the River Ribble. The abbey was suppressed in 1536 following the dissolution of the monasteries. The remains of the abbey and the area of surviving earthworks within the abbey precinct are scheduled and the standing structures are also grade I listed. This makes the site one of the most important heritage assets nationally and of international importance.

The proposal is for the erection of a single dwelling on the site of former hen sheds, adjacent to the grade II Southport House and directly to the south of the Scheduled and grade I listed Sawley Abbey.

The new dwelling would have a minimal impact on the setting of the grade I listed Sawley Abbey and in parts would enhance the site through the removal of the hen sheds. The choice of a contemporary architectural idiom helps maintain the historical authenticity of the village of Sawley and the quality of the design helps reinforce local distinctiveness. The success of the scheme will rely on the quality of the detailed design which should be agreed in consultation with your conservation officer. To assess the impact of the scheme on the setting of Sawley Abbey we recommend that you use the advice in our *Setting of Heritage Assets* Good Practice Advice Note



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5PW

Telephone 0161 242 1416
HistoricEngland.org.uk



Historic England is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.



Historic England

NORTH WEST OFFICE

(<http://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>).

The development site lies just to the south of the boundary of the abbey precinct and beside Southport House. The name Southport is suggestive that one of the gatehouses of the abbey might have been positioned at this site. The site therefore has the potential for archaeological remains. The County Archaeologist should be contacted to inform the creation of an archaeological mitigation strategy prior to any development.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary to consult us again on this application. Please send us a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

Yours sincerely

[Redacted signature]

Assistant Inspector of Historic Buildings and Areas

[Redacted contact information]



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW


Telephone 0161 242 1416
HistoricEngland.org.uk



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Appendix 5

Report to be read in conjunction with the Decision Notice.								
Signed:	Officer:	SK	Date:	23.05.23	Manager:	LH	Date:	24.5.23

Application Ref:	2023/0246			 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	26/04/23	Site Notice:	26/04/23	
Officer:	SK			
DELEGATED ITEM FILE REPORT:				REFUSAL

Development Description:	Proposed demolition of four existing agricultural buildings and construction of two self-build family eco-homes.
Site Address/Location:	Land adjacent to Southport House Hollins Syke Sawley BB7 4LE

CONSULTATIONS:	Parish/Town Council
No representations received in respect of the proposal.	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Archaeology	
<p>LCC Archaeology have offered the following observations:</p> <p><i>The Archaeological Desk Based Assessment (DBA) submitted with the application indicates that the area of the application lies outside the outer precinct wall of the medieval abbey and lies in an area that has been extensively cultivated for many years, resulting in any upstanding earthworks that may have existed being "ploughed flat". Additionally, the construction of the former agricultural buildings is likely to have further disturbed the area. The DBA concludes that there is very low likelihood of there being any significant surviving archaeological deposits below the site (if indeed any such were ever present) and that an archaeological response in the form of further fieldwork is unnecessary.</i></p> <p><i>We would agree with this assessment and consider no further archaeological work is required on the site.</i></p>	
LCC Highways:	
<p>The Local Highways Authority (LHA) have raised no objection to the proposal stating the following:</p> <p>Site Access:</p> <p><i>The LHA are aware that the proposed site will continue to utilise a private, not publicly maintained access track located off Sawley Road which is a C classified road subject to a 30mph speed limit. The access track currently serves the site and one other dwelling. The LHA have reviewed ZMA drawing number P01.01 titled "Proposed Site Plan" and have no comments to make regarding the site access located off Sawley Road. This is because the access is already existing and has been used to serve the farm for numerous years. The LHA also had no objection to the use of the access following</i></p>	

application references 3/2018/0061 and 3/2012/0797, which would have generated more trips to the site than the current proposal. Therefore, the LHA have no further comments to make.

Internal Layout:

The LHA have reviewed ZMA drawing number P01.02 titled "Proposed Site Plan-Ground Floor Plan" and are aware that a minimum of 3 car parking spaces can be provided for each dwelling. This complies with the LHAs parking standards as defined in the Joint Lancashire Structure Plan given the number of bedrooms each dwelling will occupy. The LHA will condition that a minimum of one car parking space per dwelling has access to an electric vehicle charging point and that the proposed garages for the dwellings provide cycle storage. The LHA have also reviewed ZMA drawing number P01.02 and have no objection to the creation of separate accesses for the 2 dwellings.

The LHA have requested, that should consent be granted, that conditions be imposed relating to the following matters:

- Submission of a construction management plan
- Parking and turning facilities to be provided prior to first occupation
- EV charging point provision

It is further requested that the following informative be added to any decision notice should consent be granted:

For development proposals where road construction will take place over a watercourse the applicant need be aware that under the Land Drainage Act 1991 consent is required from the Lead Local Flood Authority for work within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. Consent must be obtained before works are started on site as it cannot be issued retrospectively. For those private streets that are intended to be offered for highway adoption it should be noted that the Highway Authority will not adopt streets that have been subject to unconsented water course works. Developers should contact the Flood Risk Management Team at Lancashire County Council to obtain Ordinary Watercourse Consent.

CONSULTATIONS:

Additional Representations.

26 letters of support have been received in respect of the proposal.

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

Ribble Valley Core Strategy:

Key Statement DS1:	Development Strategy
Key Statement DS2:	Sustainable Development
Key Statement EN2:	Landscape
Key Statement EN3:	Sustainable Development and Climate Change
Key Statement EN4:	Biodiversity and Geodiversity
Key Statement EN5:	Heritage Assets
Key Statement DM12:	Transport Considerations

Policy DMG1: General Considerations
 Policy DMG2: Strategic Considerations
 Policy DMG3: Transport & Mobility
 Policy DME1: Protecting Trees & Woodland
 Policy DME2: Landscape & Townscape Protection
 Policy DME3: Site and Species Protection and Conservation
 Policy DME4: Protecting Heritage Assets
 Policy DME5: Renewable Energy
 Policy DME6: Water Management
 Policy DMH3: Dwellings in the Open Countryside and AONB

Planning (Listed Buildings and Conservation Areas) Act
 National Planning Policy Framework (NPPF)

Relevant Planning History:

2018/0061:

Conversion of existing poultry shed to three dwellings under Class Q (A and B). (Refused)

3/2015/0509:

Demolition of existing poultry sheds and construction of new detached dwelling. (Refused – Appeal Dismissed)

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to an area of land outside of and to the east of the southern extents of the defined settlement limits of Sawley, being located on land benefitting from an 'Open countryside' designation. The site is bounded to the north by the Designated Forest of Bowland AONB and the boundary of the designated Sawley Conservation Area. The site is also bounded, at its north-eastern extents, by a designated 'Scheduled Monument Area', Sawley Abbey. The standing structures of the Abbey are also Grade 1 Listed. To the north-west of the site is Southport House, a Grade II Designated Heritage Asset.

The site currently accommodates a number of significantly dilapidated poultry sheds that have fallen into a significant state of disrepair and have collapsed, with the site also still accommodating a number of associated feed silos that are also in a state of disrepair.

Proposed Development for which consent is sought:

The submitted details seek consent for the clearance of the existing site and the erection of two detached 'self-build' dwellings, both of which are of a significant footprint benefitting from differing footprint configurations. The proposed site plan indicates that the site area will be subdivided to form two residential curtilages with each dwelling benefitting from a substantial 'garden area'. Independent access points will be formed to share each of the dwellings from the 'shared access lane' to the northern extents of the site.

It is proposed that the dwellings will be of a contemporary architectural language, benefitting from both single storey flat-roofed elements and two-storey gabled elements. It is proposed that the dwellings will have a direct interface with a natural-stone 'boundary wall' that runs the extents of

the site from east to west, with the wall varying in heights, ranging for the most part, between approximately 2.3m - 2.65m in height.

Principle of Residential Development:

The application site is located outside any defined settlement limits, being within land that benefits from an open countryside designation, as such and given the application seeks consent for new residential development, Policies DMH3 and DMG2 of the Ribble Valley Core Strategy (RVCS) are fully engaged for the purposes of assessing the principle of development.

Policy DMG2 of the RVCS seeks to restrict residential development within the open countryside (or outside of defined settlement limits) and Tier 2 Village settlements to that which meets a number of explicit criteria, with Key Statement DS1 also reaffirming these criteria and setting out the overall spatial aspirations for development within the Borough.

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.

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.

The proposal is located outside of any defined settlement limits, in this respect, when assessing the locational aspects of development, Policy DMG2(2) remains engaged 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.*

It is clear from the submitted details that the proposal could not be argued as being 'essential to the local economy or social wellbeing of the area' nor could it be considered that the proposal 'is needed for the purposes of forestry or agriculture'.

In respect of the matter of 'local need', no evidence has been provided to suggest that the proposal would align with the definition of 'local needs housing' as defined within the RVCS which states that '*Local needs housing is the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment*'.

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

Policy DMH3 is also applicable given the sites location outside of any defined settlement limits with the policy providing further context stating that:

Within areas defined as open countryside or AONB on the proposals map, residential development will be limited to:

1. *Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied.*
2. *The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.*
3. *The creation of a permanent dwelling by the removal of any condition that restricts the occupation of dwellings to tourism/visitor use or for holiday use will be refused on the basis of sustainability.*

In light of the above it cannot be considered that the proposal meets any of the exception criterion contained within either Policies DMG2 nor DMH3 of the RVCS in relation to the creation of new dwellings outside of defined settlement limits.

As such, taking account of the above, the proposal is considered to be in direct conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the Adopted RVCS insofar that approval would lead to the creation of new residential dwellings, located outside of a defined settlement boundary, without sufficient justification - insofar that it has not been adequately demonstrated that the proposal would meet any of the exception criterion inherently contained within either of the policies.

In respect of the above, it is noted that a proposed residential development on the application site was subject to a previously dismissed appeal (APP/T2350/W/16/3152831) whereby the Inspector, in dismissing the appeal concluded that:

8. *From the evidence, it has not been demonstrated that the proposal, as a development in the countryside, would satisfy any of the considerations set out in CS Policy DMG2 or the criteria of CS Policy DMH3. These restrict new residential development in the countryside to that which is essential for agriculture or which meets an identified local need, or is an appropriate conversion of a building(s) or a rebuilding or replacement of an existing dwelling(s).*
9. *Neither has it been demonstrated that the proposal would be of an exceptional quality or an innovative nature of design. Accordingly, notwithstanding that the appeal site is previously developed land, I consider that the proposal would conflict with CS Key Statements DS1 and DS2, and Policies DMG2, DMG3 and DMH3.*

Given there have been no changes in adopted local-level planning policy subsequent to the above Inspectors decision, in that the appeal was determined under the remit of the still adopted development plan, there is not warranted reason to depart from the appropriate and proper engagement of local-level adopted planning policy nor any reason to deviate from the inspectors findings in respect of the acceptability of the principle of the creation of new residential dwellings in this location.

Self-Build:

The submitted details propose that the dwellings will be self-build in nature as defined within the Self-build and Custom Housebuilding Act 2015 (as amended by the housing and planning act 2016). However, notwithstanding this matter, as with any form of residential development, the proposal must be assessed against adopted development plan policies, particularly those relating to the spatial and locational aspirations for residential development within the borough.

In this respect Policies DMH3 and DMG2 of the Adopted Core Strategy remain fully engaged. As outlined above both policies seek to restrict residential development within the defined countryside to that which meets a number of criteria, one of which being that which satisfies an identified local need. The RVCS states that local needs housing is *'the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment.'* and that *'the most recent SHMA and Housing Needs Survey and waiting list evidence would always be used in determining if the proposed development meets the identified need'*.

In this respect the authority does not consider that the current application for self-build housing can be considered as local needs housing for the purposes of assessment given it fails to fall within the remit of the definition above.

This matter has been clarified through recent inspectors' decisions, the 'Wiswell Decision' (APP/T2350/W/18/31210850) and the 'Stables decision' (APP/T2350/W/19/3235162) whereby both Inspectors concurred with the Local Planning Authority approach in that self-building housing cannot be considered as 'local-needs housing' as defined within the adopted development plan.

As such and in respect of the matter of 'self-build' it is therefore considered that the proposal for self-build housing would not be considered as an 'exception' given it fails to fall within in the definition of any of the exception criterion of both Policies DMH3 and DMG2 in respect of new housing outside of a defined settlement.

At the time of writing this report, the number of individuals/groups registered on the self-build register held by the authority are as follows:

- Part 1 Register - 11 individuals including one association.
- Part 2 Register – 0 individuals

The Self-Build Act places a duty on authorities to comply with their duty to grant sufficient permissions to match demand as reflected on Part 1 of the self-build register, within a three-year period from the end of each base period. To date the authority has only granted consent for one self-build housing unit, with the unit having been considered in compliance with the requirements of DMG2 in that it was wholly located within the defined settlement limits of a principal settlement.

The authority does not consider that the 'duty to grant sufficient consents' releases such self-build housing proposals from the need to comply with the compliment of policies relating to the location of new residential development within the borough as contained within the adopted development plan, which in this case are primarily Policies DMG2 and DMH3.

As such, the authority does not consider that the 'self-build' nature of the proposal allows for 'exceptional site release' nor does it exempt such proposals from having to meet policy specific

locational criterion, regardless of the outstanding demand on part one of the Self-build Register. To consider otherwise would result in a 'carte blanche' approach being adopted in respect of the location of residential development within the plan-area that would result in the significantly harmful perpetuation of potentially unsustainable patterns of development.

Site Sustainability:

The site to which the application relates is located outside of the defined settlement limits of Sawley which is defined as a Tier 2 Settlement, being deemed as being one of the least sustainable settlements of the 32 defined settlements (Key Statement DS1) within the overall settlement hierarchy. Largely due to the settlement failing to provide an adequate range of services or facilities, with the site therefore also being in an area that is considered to be significantly remote from an adequate wide range of services or facilities.

Taking this into account, it is considered that the proposal would result in the creation of new residential dwellings in a location that would lead to and perpetuate an already unsustainable pattern of development, without sufficient or adequate justification, insofar that occupants of the residential dwelling would fail to benefit from adequate walkable access to local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.

Impact upon Heritage Assets

The application site relates to an area of land adjacent and within the setting of a Grade II Designated Heritage Asset ('DHA') with the site also being located adjacent the boundary of the designated Sawley Conservation Area. As such due consideration must be given in respect of the statutory duties imposed under the Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 in relation to the preservation of the special character of heritage assets, including their setting. In this respect the act states that:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Further to the above, due consideration must also be given in respect of the requirements of the National Planning Policy Framework ('The Framework') insofar that in the determination of planning applications Local planning Authorities should take account of:

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraphs 200 and 202 of the Framework are also relevant insofar that they state that:

Paragraph 200:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Paragraph 202:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In parallel with the above primary and national-level legislation/policy, Key Statement EN5 and Policy DME4 of the RVCS are primarily, but not solely, engaged for the purposes of assessing the proposal. In this respect Key Statement EN5 states that:

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.*

With Policy DME4 stating, in respect of development within conservation areas or those affecting the listed buildings or their setting, that development will be assessed on the following basis:

1: CONSERVATION AREAS

Proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance. This should include considerations as to whether it conserves and enhances the special architectural and historic character of the area as set out in the relevant conservation area appraisal. development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces will be supported.

In the conservation areas there will be a presumption in favour of the conservation and enhancement of elements that make a positive contribution to the character or appearance of the conservation area.

2: LISTED BUILDINGS AND OTHER BUILDINGS OF SIGNIFICANT HERITAGE INTEREST

Alterations or extensions to listed buildings or buildings of local heritage interest, or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported. Any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist.

Policy DMG1 is also engaged in parallel with Key Statement EN5 and Policy DME4 insofar that the policy sets out general Development Management considerations, with the policy having a number of inherent criterion that are relevant to the assessment of the current proposal, which state:

In determining planning applications, all development must:

DESIGN

- 1. Be of a high standard of building design which considers the 8 building in context principles (from the CABI/English Heritage building in context toolkit.*
- 2. Be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.*
- 3. Consider the density, layout and relationship between buildings, which is of major importance. particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.*

AMENITY

- 1. Not adversely affect the amenities of the surrounding area.*

ENVIRONMENT

- 3. All development must protect and enhance heritage assets and their settings.*

In respect of the above considerations, when taking account of the proposed level of built-form resultant from the proposal, including the extents and scale of the northern 'boundary wall' - which will appear as both a significantly visually imposing and incongruous feature, it is considered that the proposed development will result in significant harm to the setting of and views into and out of the designated Sawley Conservation Area. Particularly insofar that it will significantly erode the sense of visual openness associated with the immediate approach to the designated area, with the proposed development appearing as an incongruous, anomalous, and discordant introduction into the landscape, particularly when read in context with the nearby townscape.

As a result of the above factors and in respect of the external design, appearance and site configuration of the proposal, the proposed dwellings are of a largely linear form consisting of two-storey gabled archetypes/forms with intermediate single-storey flat-roofed elements. The dwellings are of an overall scale, in terms of footprint, that is significantly in excess of that of nearby built-form, particularly that of Southport House (Grade II).

In this respect, the unsympathetic visual intervention of the proposal within the setting of the Grade II Designated Heritage Asset, which will likely be significantly enhanced and exacerbated by the

northern boundary wall that runs the full extents of the site running east to west, will result in measurable harm to the significance of Southport House and its associated setting.

Furthermore, in relation to impacts upon Designated Heritage Assets, in dismissing the previous appeal on the site (APP/T2350/W/16/3152831) the Inspector concluded that:

- 13.** *With regard to the listed buildings at Sawley Abbey, Abbey Cottage, Ivy Cottage and the Reading Room, the fabric of these heritage assets would remain untouched by the proposal and from what I observed that is where the majority of their significance rests. In my judgement, given the intervening distance, buildings and mature vegetation, the inter-visibility between them and the proposal would be negligible. In which case, the peripheral location of the proposal in relation to these heritage assets would prevent it impinging on their significance. I find therefore that the proposal would be unlikely to adversely affect the significance of these heritage assets as a development within their settings and would not conflict with CS Policies EN5 and DME4.*
- 14.** *As for the SAM and the Conservation Area, these heritage assets are centred on, and characterised by, the standing remains of Sawley Abbey. The proposed development would take place outwith their defined boundaries. In my judgement, the appeal site is not integral to the understanding or appreciation of these heritage assets and given the very minor part of their settings that would be affected, I consider that the proposal would not result in any harm to their significance. Accordingly, it would not conflict with CS Policy DME4.*
- 15.** *Turning to consider Southport House, this listed building stands prominently at the junction of the former stretch of the A59 with the road that leads into the village. Its formal front (principal) elevation gives it a strong physical presence that is exerted over its immediate surroundings, including the appeal site. Consequently, its setting does, to some degree, contribute to its significance. The introduction of a development of the scale proposed within this context would have a harmful impact on the significance of this heritage asset as a development within its setting.*
- 16.** *Accordingly, giving considerable weight to paying special regard to the desirability of preserving the setting of the listed building, I conclude that the proposal would harm the setting of this historic asset as a development within its setting, in conflict with CS Policies EN5 and DME4.*

In respect of the above, the submitted details propose a significant increase in the quantum and amount proposed built-form over and above that of the previously dismissed appeal. In this respect it is considered that the increased level of built-form associated with the development, which is also located closer to Southport House than that of the dismissed appeal building, can only arguably result in exacerbating the harm previously identified. Particularly insofar that the Inspector concluded that a single dwelling, of a lesser footprint than that of the cumulative footprint(s) of the currently proposed development, would result in *'the introduction of a development of the scale proposed within this context would have a harmful impact on the significance of this heritage asset as a development within its setting'*.

The proposal would result in the introduction an anomalous, discordant and unsympathetic form of development that fails to positively respond to the inherent character of the area, the immediate and wider historic townscape or the inherent pattern of development of the designated Sawley Conservation Area. As a result, the proposal will result in significant harm to views into and out of the designated Conservation Area, also resulting in measurable harm to the significance and setting of a Grade II Designated Heritage Asset (Southport House).

Paragraph 202 of the Framework is engaged in so far that the harm arising to the significance of the aforementioned heritage assets is considered to be less than substantial. In which case the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is recognised that are some benefits associated with the clearance of the site including the removal of the currently collapsed structures and associated silos. However the current visual condition of the site is a result of site custodianship and whilst the clearance of the site will result in some measurable visual benefit, the benefit of site clearance would not outweigh the harm identified.

As such, taking account of the above material matters, it is considered that approval of the proposal would result in significant direct conflict with Key Statement EN5 and Policies DMG1 and DME4 of the RVCS, Paragraphs 130, 134, 200 and 202 of the National Planning Policy Framework and the Planning (Listed Building and Conservation Areas) Act 1990.

Impact Upon Residential Amenity:

Given the sites lack of direct interface or inter-relationship with existing residential receptors, save that for Southport House, and taking account of the separation distances between the proposed dwellings and Southport House, it is not considered that the proposal will result in any significant measurable detrimental impacts upon existing residential amenities.

Visual Amenity/External Appearance:

The settlement of Sawley is largely typified by a linear pattern of residential built-form that is predominantly located on the western-side of Sawley Road save that for Southport House (adjacent the application site) and Sawley Community Hall and Abbey Cottage that are located a significant distance from the northern extents of the application site. Policy DMG1 places great emphasis on development proposals being *'sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials'* additionally requiring that proposals *'consider the density, layout and relationship between buildings, which is of major importance. particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character'*.

In this respect, when taking account of the inherent pattern of development and defining characteristics of the area, the introduction of a level of built-form, commensurate with that which is proposed, particularly the western side of Sawley Road, will result in a largely discordant pattern of development and built form that would be read as significant departure from that of the inherent westerly linear pattern of development associated with the settlement.

Taking into account the discordant pattern of development in parallel with the cumulative level of built-form resultant from the proposal, including the extents and scale of the northern 'boundary wall' which will appear as both a significantly visually imposing and incongruous feature. It is considered that the proposed development will also result in the significant undermining of the sense of visual openness associated with the immediate landscape character of the area, with the proposed development appearing as an incongruous, anomalous and discordant introduction into the landscape, being of detriment to the character and visual amenities of the immediate and wider area.

In respect of the external design, appearance and site configuration of the proposal, the proposed dwellings are of a largely linear form consisting of two-storey gabled archetypes/forms with intermediate single-storey flat-roofed elements. The dwellings are of an overall scale, in terms of

footprint, that is significantly in excess of that of nearby built-form, resulting in the dwellings failing to positively respond to scale of development within the immediate area.

The unsympathetic visual intervention of the proposal into the landscape is likely to be significantly enhanced and exacerbated by the northern boundary wall that runs the full extents of the site running east to west, which would introduce a man-made linear feature of a scale, height an appearance that fails to visually relate successfully to any defining features within the area.

Taking account of the above it is considered that the proposed development would be in direct conflict with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework. Particularly insofar that approval of the proposal would result in the introduction of an anomalous and discordant pattern and form of development, that by virtue of their siting (east of Sawley Road), the scale of the proposed dwellings, their inherent footprints, the northern boundary wall and site configuration, would fail to respond positively to the inherent pattern of development within the area or the scale of nearby or adjacent built-form, being of significant detriment to the character and visual amenities of the immediate area the defined open countryside.

Highways and Parking:

The Local Highways authority have raised no objection to the proposal subject to the imposition of a number of planning conditions.

Landscape/Ecology:

The application has been accompanied by an Ecologic Survey and Assessment - the report concludes the following:

The approximately 0.86 hectare site is located to the east of Sawley Road and comprises a former, now derelict, cluster of poultry sheds bordered by hard-standing with sparse ruderal herbs and tall-herb vegetation. The western and southern site boundaries are demarcated by a hedgerow (Hedgerow 1). The northern site boundary extends along the northern margin of an existing access track, beyond which lies a narrow (less than 1 metre wide) stream (Hollins Syke) lined with tall-herb vegetation and scattered trees and shrubs. Improved grassland is present beyond the south-western, southern and eastern site boundaries.

With the implementation of the protective measures described in Section 5.3 it is advised that the proposals can be achieved with no adverse effect on statutory or non-statutory designated sites for nature conservation.

The native hedgerow (Hedgerow 1) with scattered trees at the western and southern site boundaries is Priority Habitat; these habitats will be retained by the proposals. None of the other habitats are representative of Priority Habitat.

The areas of tall-herb vegetation and neutral grassland are of value at the 'site' level. The removal of these habitats will be compensated for by the accommodation of areas of wildflower grassland and other landscape planting to be secured as part of the proposals to achieve enhancements for biodiversity (refer to Section 5.2).

Wall Cotoneaster, an invasive plant species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) was detected to the north of the site boundary; further guidance is presented at Section 5.3.

Evidence to indicate previous use of Buildings 1 and 3 (burned down) as a bat feeding roost was detected in August 2021. A feeding roost is a roost of low conservation significance. The roosting features / positions are no longer present owing to the dilapidation and damage that has occurred. Based on the current poor condition of the buildings and the absence of any recent / additional evidence (December 2022) to indicate use of the buildings by roosting bats it is advised that relevant survey guidance has been complied with and further survey for roosting bats is not required to inform the planning application. In addition, it is also advised that a Natural England licence is not required to proceed with the demolition and site clearance works. Actions to be applied during the demolition are described in Section 5.3.

The hedgerow, scattered shrubs and tall-herb vegetation are suitable for use by nesting birds; all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). Sections 5.2 and 5.3 provide best practice guidance to be adhered to in relation to nesting birds and other wildlife such as hedgehog (a Priority Species).

Appropriate and proportionate survey effort and / or assessment, in accordance with standard survey guidelines has been applied to discount adverse effects on other relevant protected species. No further surveys for other protected species are necessary to support a planning application.

An Arboricultural Impact Assessment has also been submitted in support of the application which recommends the removal of part of an overgrown grouping (G2) (Mixed Species) to facilitate demolition and site clearance with the remainder of the grouping being maintained to provide visual mitigation. It is further proposed that a category 'C' Ash be crown-lifted and to reduce lateral spread to facilitate site clearance.

Subject to conditions no issues regarding landscape or ecology are identified.

Observations/Consideration of Matters Raised/Conclusion:

It is recognised that there are some benefits associated with the clearance of the site including the removal of the currently collapsed structures and associated silos. However the current visual condition of the site is a result of site custodianship and whilst the clearance of the site will result in some measurable visual benefit which is a material consideration, the weight this carries in the overall planning balance is considered to be limited. The benefit of site clearance would not outweigh the harm identified in respect of the harm to views into and out of the Designated Sawley Conservation Area, the harm to the significance of a Grade II Designated Heritage Asset and the harm to the wider visual amenities and character of the area. Nor is it considered that the benefits would outweigh the harm resultant from the direct conflicts with Policy DMG2 or DMH3 or the perpetuation of an already unsustainable pattern of development.

As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal.

RECOMMENDATION:

That planning consent be refused for the following reason(s).

- | | |
|------------|--|
| 01: | The proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Adopted Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, 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.
02:	<p>The proposal would result in the introduction an anomalous, discordant and unsympathetic form of development that fails to positively respond to the inherent character of the area, the immediate and wider historic townscape or the inherent pattern of development of the designated Sawley Conservation Area. As a result, the proposal will result in significant harm to views into and out of the designated Conservation Area, also resulting in measurable harm to the significance and setting of a Grade II Designated Heritage Asset (Southport House).</p> <p>As such the proposal is considered to be in significant direct conflict with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy, Paragraphs 130, 134, 200 and 202 of the National Planning Policy Framework and the Planning (Listed Building and Conservation Areas) Act 1990.</p>
03:	<p>The proposal is considered contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework. Particularly insofar that approval of the proposal would result in the introduction of an anomalous and discordant pattern and form of development, that by virtue of their siting (east of Sawley Road), the scale of the proposed dwellings, their inherent footprints, the northern boundary wall and site configuration, would result in a form of development that would fail to respond positively to the inherent pattern of development within the area or the scale of nearby or adjacent built-form, being of significant detriment to the character and visual amenities of the immediate area and that of the defined open countryside.</p>
04:	<p>The creation of new residential dwellings in this location would lead to the perpetuation of an already unsustainable pattern of development, without sufficient or adequate justification, insofar that occupants of the residential dwelling would fail to benefit from adequate walkable access to a wide range of local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.</p>

Appendix 6

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990


REFUSAL OF PLANNING PERMISSION

APPLICATION NO: 3/2015/0509

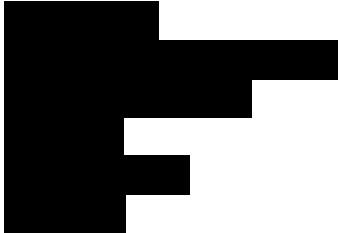
DECISION DATE: 24 December 2015

DATE RECEIVED: 14/07/2015

APPLICANT:

 c/o Shaw and Jagger Architects
Ltd

AGENT:



DEVELOPMENT PROPOSED: Demolition of existing poultry sheds and construction of new detached dwelling.

AT: Land adjacent to Southport House Sawley Road Sawley BB7 4LE

Ribble Valley Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission **has been refused** for the carrying out of the above development for the following reason(s):

- 1 The proposal's location, size, height, materials and landscaping results in a prominent and incongruous development which undermines Sawley Conservation Area's distinct linear village morphology, its visual hierarchy of buildings ('Focal Buildings') and the significance of its open spaces surrounding Sawley Abbey. This is harmful to the character and appearance of Sawley Conservation Area, the setting of listed buildings (principally Southport House) and the cultural heritage of the Forest of Bowland Area of Outstanding Natural Beauty. This is contrary to Key Statement EN5 and Policies DMG1, DME4 and DMG2 of the Ribble Valley Core Strategy and the National Planning Policy Framework Paragraph 17 (conserve heritage assets in a manner appropriate to their significance), Paragraph 60 (reinforce local distinctiveness), Paragraph 115 (conserve cultural heritage), Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) and Paragraph 132 (great weight to conservation).
- 2 The proposal is considered contrary to Key Statements DS1, DS2 and Policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy Adopted Version in that the approval would lead to the creation of a new dwelling in the defined open countryside without sufficient justification which would cause harm to the development strategy for the borough. It is further considered that the approval of this application would

lead to an unsustainable form of development in a location that does not benefit from adequate access to local services or facilities placing further reliance on the private motor-vehicle contrary to the NPPF presumption in favour of sustainable development.

P.T.O.

**RIBBLE VALLEY BOROUGH COUNCIL
REFUSAL OF PLANNING PERMISSION CONTINUED**

APPLICATION NO: 3/2015/0509

DECISION DATE: 24 December 2015

Note(s)

- 1 For rights of appeal in respect of any reason(s) attached to the decision see the attached notes.
- 2 The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. The proposal does not comprise sustainable development and there were no amendments to the scheme, or conditions that could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

**JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES**

Appendix 7

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2012/0797

DECISION DATE: 15 February 2013

DATE RECEIVED: 15/11/2012

APPLICANT:

c/o Agent

AGENT:

DEVELOPMENT Proposed Static Caravan/Lodge Park.

PROPOSED:

AT: Land at Southport House Sawley Lancashire BB7 4ND

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall relate to the development as shown on Drawings Numbers SUTT/01/01REVB and SUTT/01/03REVB (both amended plans received by the Local Planning Authority on 19 November 2012) and SUTT/01/04REVA.

REASON: For the avoidance of doubt and to ensure compliance with the submitted drawings.

3. The terms of occupancy of the 11 caravans/lodges hereby permitted shall be as follows:

1. The caravans/lodges shall be occupied for holiday purposes only.
2. The caravans/lodges shall not be occupied as a person's sole or main place of residence.
3. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of the individual caravans/lodges, and of their main home address, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: In accordance with the requirements of Policies G1 and RT5 of the Ribble Valley Districtwide Local Plan and Policies DMG2 and DMB3 of the core Strategy 2008-2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft. In order to ensure that the approved holiday accommodation is not used for unauthorised permanent residential accommodation. The register required in 3 above shall normally be collected by the caravan site licence holder or his/her nominated person.

P.T.O.

RIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED

APPLICATION NO. 3/2012/0797

DECISION DATE: 15 February 2013

4. Prior to the commencement of development, details of the precise colour finish of the timber walls and the colour and profile of the roof tiles of the caravans/lodges shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, there shall be no alterations to the external colour finishes of the units without the prior written permission of the Local Planning Authority.

REASON: In the interests of visual amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft.

5. Prior to the first use of any other caravans/lodges hereby permitted, the access into the site and its visibility splay shall have been provided to the satisfaction of the Local Planning Authority in accordance with the details shown on Drawing Number SUTT/01/03REVB. Thereafter, the access and visibility splays shall be permanently retained clear of any obstruction to their designated use and purpose. Specifically, nothing shall be constructed, placed, planted or allowed to remain within the visibility splays that is in excess of 1m above the crown level of the adjacent carriageway of Sawley Road.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft.

6. Prior to the commencement of development, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall involve surface water draining separately from the foul as no surface water shall be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. No part of the development shall be occupied or brought into use until such a scheme has been constructed and completed in accordance with the approved details.

REASON: To secure proper drainage, to prevent pollution of the water environment and to reduce the risk of flooding and to comply with the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft.

7. If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and has obtained the written approval from the Local Planning Authority. The remediation strategy shall be fully implemented as approved.

REASON: To ensure that risk to controlled waters is addressed and mitigated if necessary and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft.

P.T.O.

**RIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED**

APPLICATION NO. 3/2012/0797

DECISION DATE: 15 February 2013

8. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural impact assessment [T1 - T7 & G2/G3/H1 inclusive] dated 18th May 2012 shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer.

A tree protection - monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun. The root protection/exclusion zone shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection/exclusion zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented without prior written consent, which will only be granted when the local authority is satisfied that it is necessary in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by the development that are considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse effects of development in order to comply with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley Regulation 22 Submission Draft.

9. The submitted landscaping scheme [Drawing No. SUTT/01/03B dated 10/11/12] shall be implemented in the first planting season following occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub that is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley Regulation 22 Submission Draft.

10. Precise details of the surface material for the internal access road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. (The tarmacadam surface stated on drawing SUTT/01/DWG03B is not approved.)

REASON: In the interests of visual amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 - 2028 - A Local Plan for Ribble Valley Regulation 22 Submission Draft.

11. Precise details of the height, type and location of any external lighting installations shall be submitted to and approved in writing by the Local Planning Authority prior to their installation at the site. Thereafter, there should be no alterations to the approved details without the prior written permission of the Local Planning Authority. (The nine bollard lights indicated on drawing no SUTT/01/DWG03B is not approved.)

REASON: REASON: In the interests of visual amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 - 2028 - A Local Plan for Ribble Valley Regulation 22 Submission Draft.
P.T.O.

**RIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED**

APPLICATION NO. 3/2012/0797

DECISION DATE: 15 February 2013

12. There should be no extensions or alterations to the holiday caravans/lodges hereby permitted, and no additional structures (including walls, fences, sheds or additional raised decking areas) shall be constructed unless a further planning permission has first been granted in respect thereof.

REASON: In the interests of visual amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 - 2028 - A Local Plan for Ribble Valley Regulation 22 Submission Draft.

Relevant planning policy

Ribble Valley Districtwide Local Plan
Policy G1 - Development Control.
Policy G5 - Settlement Strategy.
Policy ENV2 - Land Adjacent to Area of Outstanding Natural Beauty.
Policy ENV3 - Development in Open Countryside.
Policy ENV14 - Ancient Monuments and Other Important Archaeological Remains.
Policy ENV16 - Development Within Conservation Areas.
Policy RT1 - General Recreation and Tourism Policy.
Policy RT5 - New Static Caravan Sites and Extensions to Existing Sites.
Core Strategy 2008-2028 - A Local Plan for Ribble Valley Regulation 22 Submission Draft
DMG1 - General Considerations.
DMG2 - Strategic Considerations.
DME2 - Landscape and Townscape Protection.
DME4 - Protecting Heritage Assets.
DMB1 - Supporting Business Growth and the Local Economy.
DMB3 - Recreation and Tourism Development.
National Planning Policy Framework
Section 3 - Supporting a Prosperous Rural Economy.

SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate alternative development for this site that would benefit the local rural economy and would not have any detrimental effects upon visual amenity, heritage/conservation interests, wildlife and ecology, residential amenity or highway safety.

The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development "

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.

P.T.O.

**RIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED****APPLICATION NO. 3/2012/0797****DECISION DATE: 15 February 2013**

3. Hollins Syke watercourse flows adjacent to the northern boundary of the site. This watercourse is within 5m of the site with a narrow buffer strip of at least 1.5m between the watercourse and the application site boundary (the existing access track). As the existing access track is to be retained but will not encroach any further towards the watercourse, the developer is advised to ensure that the scheme does not detrimentally impact upon the existing buffer strip and that the watercourse is protected during development works.
4. The applicant is advised of the need to be aware of the legislative protection afforded to nesting birds by the Wildlife and Countryside Act 1981 (as amended) and any works that would disturb nesting birds must be avoided until nesting is complete (ie the young have fledged and left the nest and the nest has been abandoned). Therefore, works that would affect potential nesting habitat should be avoided during the bird-nesting season (March to August inclusive) unless the absence of nesting birds has been confirmed.

**JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES**

Appendix 8

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire,
BB7 2RA

Telephone: 01200 425111 Fax: 01200 414488 Planning Fax: 01200 414487

Town and Country Planning Act 1990

DISCHARGE OF CONDITION ATTACHED TO A PLANNING PERMISSION

APPLICATION NO: 3/2016/0101

DECISION DATE: 01 March 2016

DATE RECEIVED: 02 February 2016

APPLICANT:

[REDACTED]

AGENT:

[REDACTED]

DEVELOPMENT PROPOSED: Discharge of Condition(s) 4 (materials), 6 (foul and surface water drainage), 8 (tree protection), 10 (surface finishes) of planning permission 3/2012/0797.
AT: Land at Southport House Sawley Lancashire BB7 4ND

The following Condition(s) have been discharged from the above planning application.

- 1** Condition no 4 is discharged insofar as the submitted details of external materials for the walls and roofs of the holiday caravans/lodges are acceptable and are hereby approved by the Local Planning Authority.
- 2** Condition no 6 is discharged insofar as the submitted details of a scheme for the disposal of foul and surface waters are acceptable and are hereby approved by the Local Planning Authority.

- 3** Condition no 8 is discharged insofar as the details of tree protection and the detailed tree protection monitoring schedule are acceptable and are hereby approved by the Local Planning Authority.

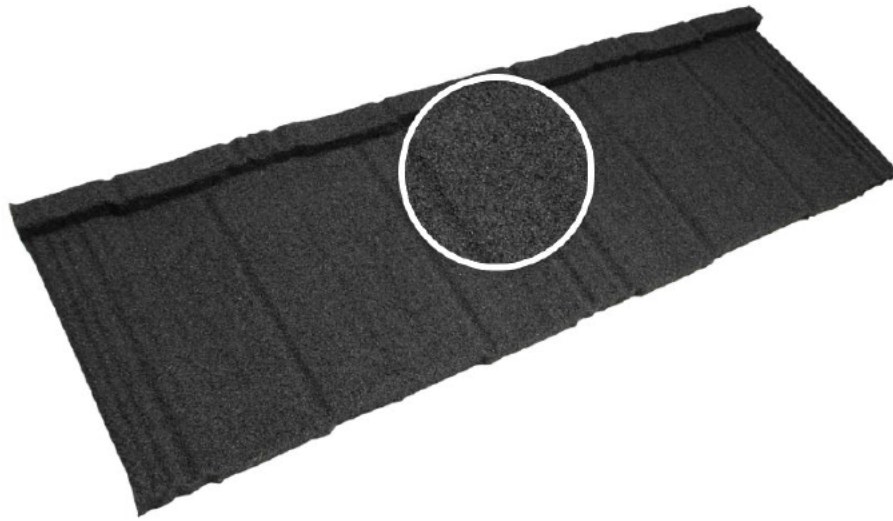
- 4** Condition no 10 is discharged insofar as the details of the surface treatment for the internal access road are acceptable and are hereby approved by the Local Planning Authority.

JOHN HEAP

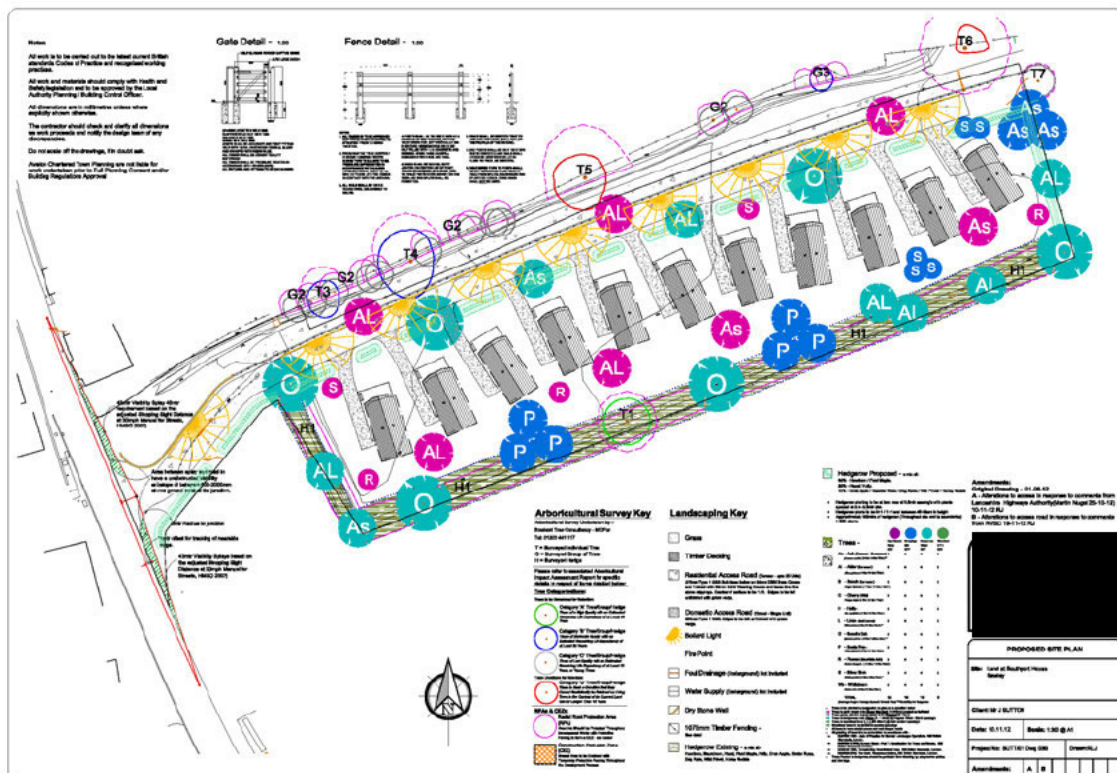
DIRECTOR OF COMMUNITY SERVICES

Appendix 9






Appendix 10



Appendix 11



Ribble Valley
Borough Council

A to Z of Council services
A B C D E F G H I J K L M N O P
Q R S T U V W X Y Z

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Business


Council

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Application Results

123456789

Application Number	Site Address	Description	Application Type	Decision Type	Application Status	Date Received
3/2022/0508/IN	1 Southport Barn Cottages Sawley Road Sawley Lancashire BB7 4LE	Erection of single storey rear extension and provision of existing loft space to form a habitable accommodation including internal structural alterations.	Initial Notice		Valid	15/07/2022
3/2021/0036/IN	Mill House 10 Long Buildings Sawley Road Sawley Lancashire BB7 4LE	Single storey side extension to form garden room, single storey extension to garage and re-roof to garage. 20/07/2022 EXTENSION OF TIME REQUESTED FOR 1 MONTH. 19/08/2022 EXTENSION OF TIME REQUESTED FOR 10 DAYS.	Initial Notice		Valid	11/01/2021
3/2018/0120/IN	WILLOWCROFT Sawley Road Sawley Lancashire BB7 4LE	Single storey rear extension, partial garage conversion and extension.	Initial Notice		Decision Complete	04/01/2018
3/2018/0528/IN	Mill House 10 Long Buildings Sawley Road Sawley Lancashire BB7 4LE	Single storey extension. INITIAL NOTICE CANCELLED 19/07/2018	Initial Notice		Valid	22/03/2018
3/2016/0117/IN	Land at SOUTHPORT HOUSE Sawley Road Sawley Lancashire BB7 4LE	Construction of 11 holiday lodges, foundations only of Plot 1.	Initial Notice		Valid	08/02/2016
3/2018/0509/CW	GLEN BURN Sawley Road Sawley Lancashire BB7 4LE	Install Cavity Wall Insulation	Cavity Wall		Valid	13/07/2015
3/2006/34/04/CW	Owl Den, Sawley Road Sawley, Clitheroe, BB7 4LE	Installation of cavity wall insulation.	Cavity Wall		Valid	20/12/2006
3/2006/2539/CW	Willow Croft, Sawley, Clitheroe, BB7 4LE	Installation of cavity wall insulation.	Cavity Wall		Valid	10/10/2006
3/2019/0002/DS	Land at Hollins Syke adjacent to Southport House Sawley Road Sawley Lancashire BB7 4LE	Derelict timber sheds once used for housing chickens. Partially collapsed and overgrown with weeds. Access to be sealed off from members of public. NOTIFICATION RECEIVED 28/03/2023 SECTION OF ROOF COME AWAY FROM BUILDING NOW COVERING FOOTWAY 21/04/2023 REQUEST FOR FOOTWAY TO BE FENCED OFF.	Dangerous Structure		Valid	03/01/2019
3/2022/0123/IN	1 Southport Barn Cottages Sawley Road Sawley Lancashire BB7 4LE	Installed Charmwood C5 with competency install a biomass dry fuel room heater, stove or cooker	Boiler Notification		Valid	14/01/2017



Ribble Valley
Borough Council

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Details for Building Control Application - 3/2016/0117/IN

Application Type

Initial Notice

Application Status

Valid

Site Address

Land at SOUTHPORT HOUSE Sawley Road Sawley Lancashire BB7 4LE

Description of Work

Construction of 11 holiday lodges, foundations only of Plot 1.

Agent Name and Address

Responsible Surveyor

Geoff Lawson

Responsible Officer

Telephone Number 01200 414508

Inspection Status

Date Received

08/02/2016

Expiry Date

14/03/2016

Decision

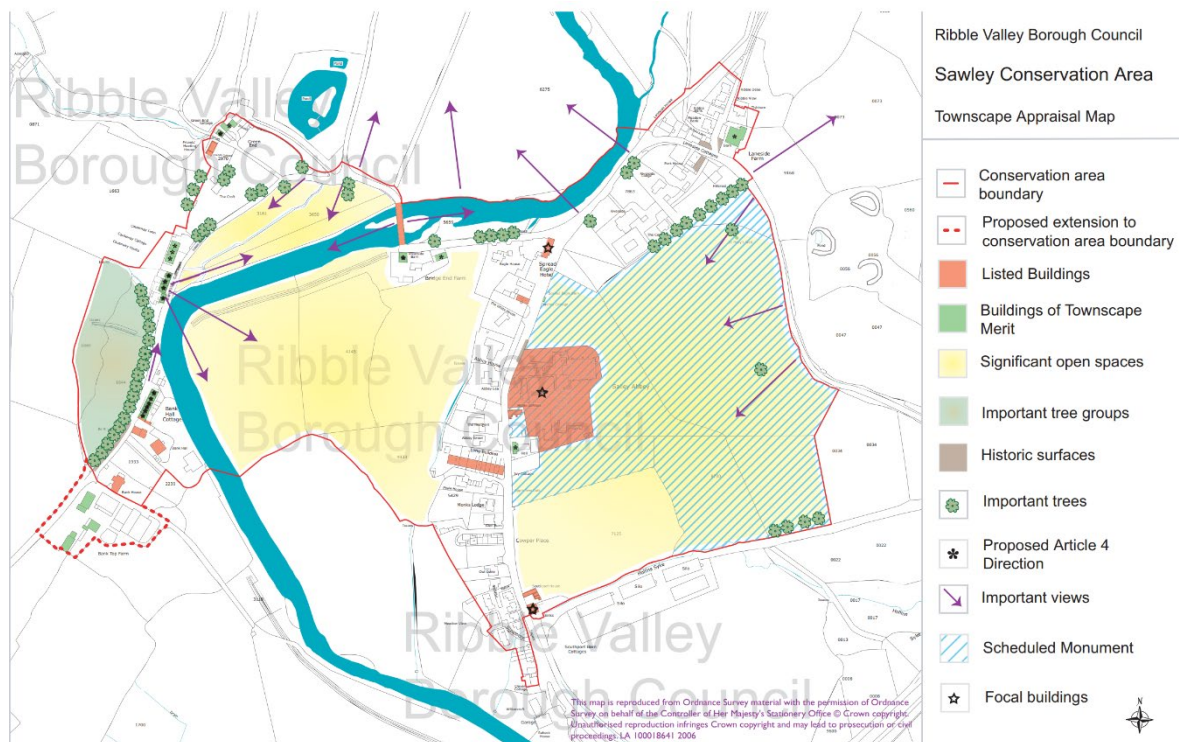
Decision Status

Decision Date

Appendix 12



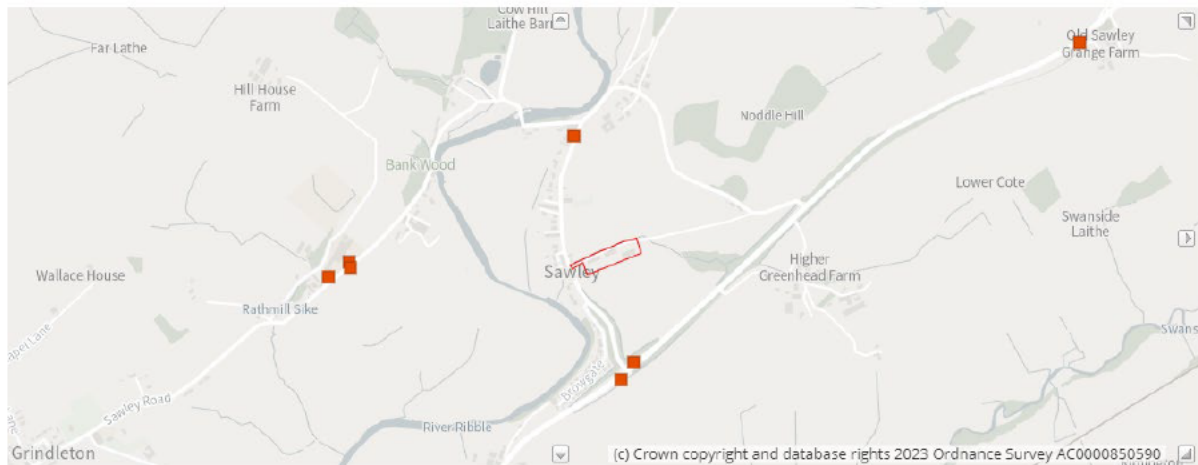
Appendix 13



Appendix 14



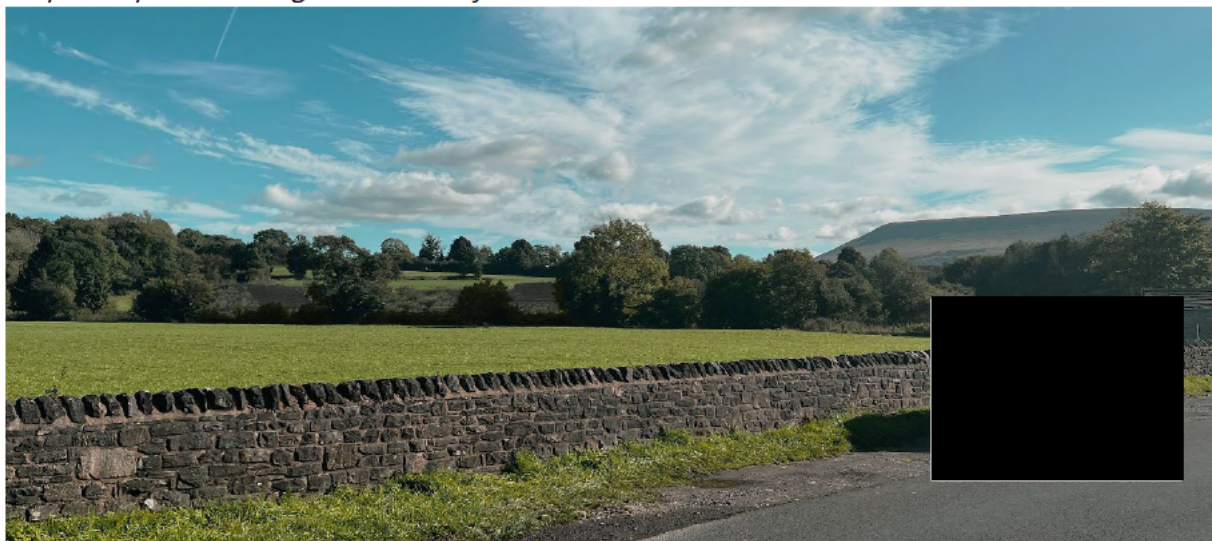
Appendix 15



Appendix 16



Proposed photomontage from Sawley Road.



Proposed photomontage from Sawley Road across the 'significant open space'.

Appendix 17

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

DATE: 16 MARCH 2023

REF: LH

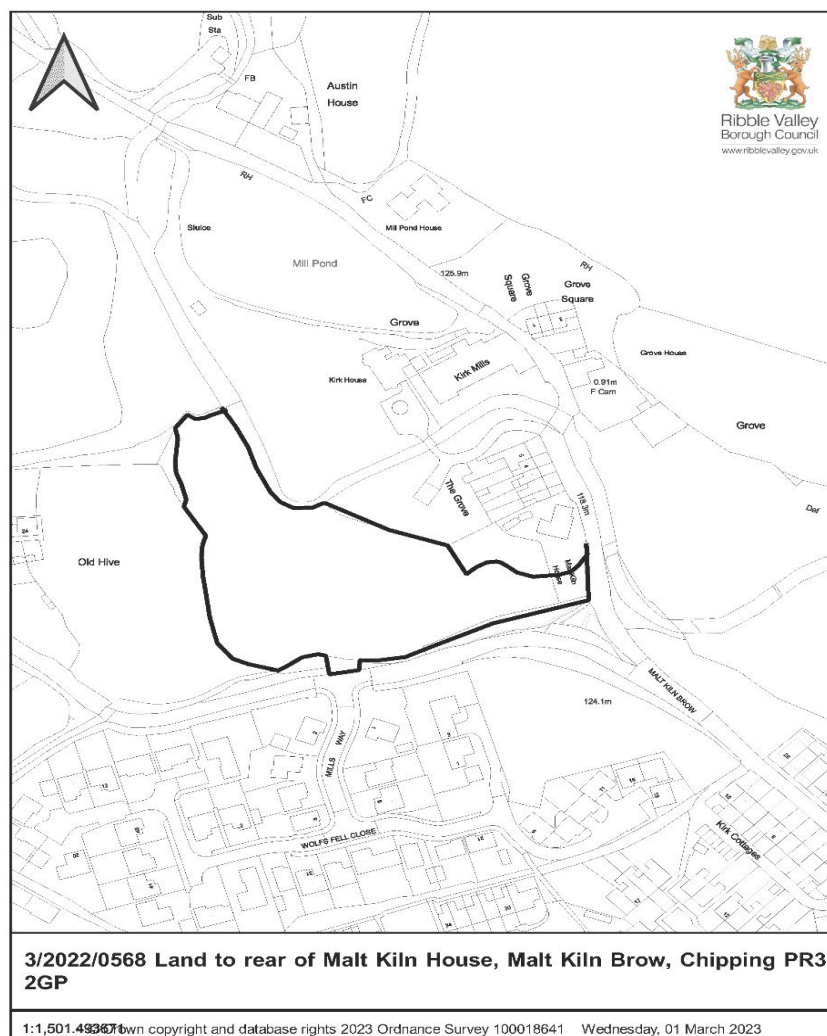
APPLICATION REF: 3/2022/0568

GRID REF: SD 362007 443548

DEVELOPMENT DESCRIPTION:

ERECTION OF FOUR NEW RESIDENTIAL DWELLINGS WITH NEW ACCESS TAKEN FROM FISH HOUSE LANE WITH ASSOCIATED EARTHWORKS AND LANDSCAPING AT MALT KILN

HOUSE, MALT KILN BROW, CHIPPING, PR3 2GP



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**CHIPPING PARISH COUNCIL:**

Response to original plans submitted

1. The site was originally allowed at appeal as part of the HJ Berry site development because it was envisaged it would facilitate the development of the former mill building and factory site into a hotel/spa complex, bringing new employment into the village. However despite the developers having completed the development of 39 homes after relocating the cricket pitch, the mill building and factory site have not been developed and none of the promised benefits have materialised.

Chipping is a Tier 2 Village as defined in the RV Core Strategy where development is only allowed for a demonstrated housing need or development of a brownfield site. There is an argument that the historic planning permission should be rescinded and this application be refused, as the basis for the consent being granted in the first place has not been fulfilled.

2. The proposed cedar clad "chalet" style eco homes in a prominent position are not in keeping with any other properties in the village, different from neighbouring stone properties, and do not complement the modern Fellside development which is a mix of brick and render. Unclear which sections will have sedum roofs and solar panels.
3. The proposed new vehicular access opposite the entrance to Fellside is a major change to the previously agreed plan but little justification for this is given.
4. Concern about use of the proposed access opposite Fellside by construction traffic and about the steep internal construction traffic route towards Malt Kiln Brow and Chipping Brook leading to land deformation and disruption of the watercourse.
5. Parking to front of properties. View from Church Raike will be predominantly of cars.
6. Concern about a number of trees being felled and hedgerows lost.
7. Construction management plan is required.
8. Ridge heights may be lower but no like for like sectional drawings. Size will not help young local families get on / move up property ladder.

No response received from the Parish Council to consultation on revised scheme.

LOCAL HIGHWAY AUTHORITY - LANCASHIRE COUNTY COUNCIL HIGHWAYS:

Original response requested further information to demonstrate the suitability of the new access for both construction and development traffic.

Acknowledge the benefits to highway safety as a result of the new access rather than the previously approved access on Malt Kiln Brow because it precludes the use of the junction of Church Raike and Malt Kiln Brow which has poor visibility due to the acute angle of the junction.

Second response confirms the revised plan for construction traffic (entering the site from Malt Kiln Brow and existing the site onto Fish House Lane) is acceptable. Further information outstanding on new site access.

Third response confirms further information regarding the site access is acceptable. Concerns raised about insufficient provision of parking for contractors/operative vehicles.

Fourth and final response confirms the amended plan showing parking during construction is acceptable. Request the proposed maintenance and management arrangements are revisited.

Overall, no objection subject to conditions relating to construction management plan, closure of access on Malt Kiln Brow, access arrangements, visibility splays, management and highway construction details, and electric vehicle charging pint.

UNITED UTILITIES:

Drainage proposals are acceptable in principle. Condition suggested.

ENVIRONMENT AGENCY:

No objection.

LEAD LOCAL FLOOD AUTHORITY:

Apply standing advice.

LANCASHIRE COUNTY COUNCIL ARCHAEOLOGY:

Based on previous assessments undertaken on the site, is able to conclude that the potential for archaeological remains is low, as such no condition is needed.

LANCASHIRE FIRE AND RESCUE SERVICE:

Access must comply with Building Regulations. Proposal must be provided with suitable provision of water.

RVBC ENVIRONMENTAL HEALTH SERVICES:

Suggest conditions relating to Electric Vehicle Charging Point and Construction Environment Management Plan.

RVBC ENGINEERING SERVICES:

Waste from properties will need to be presented to edge of the highway.

ADDITIONAL REPRESENTATIONS:

19 letters of objection have been received from 17 households to the original consultation on the following grounds:

- No justification for building on a greenfield site
- Original scheme approved was linked to developing the Kirk Mill site which never materialised
- No economic or regeneration benefits to the village
- No jobs in the village for occupiers of the houses
- Developing this site should not be supported while there is uncertainty around the future of Kirk Mill which remains empty and derelict
- No housing shortage in the village.
- Type of houses will not fulfil a local need
- Village has poor transport links therefore development not sustainable
- Inappropriate development in the Forest of Bowland AONB. Will have a harmful impact on the AONB character. Will obscure magnificent views towards the fells.
- Results in urban sprawl by connecting Old Hive and The Grove (Kirk Mill) to Chipping village therefore diluting their distinctive character
- Visual harm to Kirk Mill conservation area and historic architecture
- Urbanising impact on this country lane
- Scale, siting and design (including materials) of houses are not in keeping with the character of the area
- Mass, bulk, scale overbearing and intrusive (loss of privacy) to neighbouring properties
- Car park to front of properties will dominate streetscene
- Unsafe access proposed onto a narrow road with no footpaths, speed limit or street lighting
- New access will create a dangerous cross road junction
- Additional traffic including construction vehicles on local roads which are inadequate (narrow, congested)
- Insufficient parking on site for construction vehicles and material storage
- Poor visibility from Malt Kiln Brow; its use by construction vehicles is dangerous
- Impact on air quality
- Noise, dust and water pollution during construction
- Risk to protected trees and wildlife disturbance. Loss of trees and hedges.
- Uncertainty how habitat will be managed post development
- Risk of pollution to watercourse from reprofiling land
- Concerns around slope stability. Site needs piling
- Strain on local infrastructure (drainage, flooding, power, water)
- Supporting evidence documents seem out of date
- Insufficient public consultation with residents of Chipping

A further 11 representations have been received to the revised consultation. Nine of these were objections and two were neutral. Additional points raised are as follows:

- Large glass windows and balconies are imposing and out of keeping
- 3 storey houses are imposing
- Concern about use of new access by construction vehicles and impact upon existing residents
- The new access will require culverting the brook and so the developer will require separate consent from the Lead Local Flood Authority. How will we know this approval has been obtained?
- Concern about the impact of the retaining wall upon the root protection areas of T9 + T8
- Uncertainty regarding use of land to east dropping down to Malt Kiln Brow

- Unsure if concerns about slope stability identified in the geo-environmental site assessment have been addressed?
- Concern with works undertaken by developer on site to date
- Access from Fish House Lane considered more preferable than Malt Kiln Brow
- Prefer the original zero carbon homes scheme

1. Site Description and Surrounding Area

- 1.1 The application site is a prominent site which lies at the junction of Fish House Lane and Malt Kiln Brow outside the defined village boundary of Chipping. The front of the site faces onto Fish House Lane and a modern housing development of 39 dwellings opposite. The eastern part of the site drops down to Malt Kiln Brow, which is itself a steep lane leading down to the former HJ Berry Chairworks site. The rear of the site falls steeply down to Chipping Brook. A stream runs across the front of the site. The west of the site lies adjacent to fields, beyond which are a small grouping of cottages known as The Hive.
- 1.2 The site is approx. 0.7 hectares and was, prior to the commencement of earthworks in June 2021 to implement a previous permission, unmanaged grassland with isolated woodland areas along the boundaries. Trees outside the site boundary at the corner of Malt Kiln Brow and to the rear of The Grove are protected by Tree Preservation Order (TPO) No. 1 1970.
- 1.3 The site is situated within the designated Forrest of Bowland Area of Outstanding Natural Beauty (AONB). The northern and eastern section of the site is located within the Kirk Mill Conservation Area, and within Flood zones 2 and 3. To the north, Kirk Mill and its associated Mill Pond and Kirk House are Grade II Listed Buildings and there is a Biological Heritage Site (BHS) known as Clark House Farm Pasture.

2. Proposed Development for which consent is sought

- 2.1 The application seeks full planning permission for the erection of four dwellings with a new vehicular access proposed to be taken from Fish House Lane together with earthworks and landscaping which include re-grading the land sloping down to Chipping Brook.
- 2.2 The original plans submitted for this application proposed four no. detached zero carbon homes. They were a "chalet" style design with cedar timber cladding and stone elevations and sedum grass roofs. Their footprint was 15.4m x 12.3m and 16.6m x 10.7m which together with their shape created a wide roof span. Following officer concerns raised about the scale and design of these homes, a revised scheme was submitted and the amended plans propose four no. detached three-storey properties of stone construction.
- 2.3 The area of the site proposed for residential development will cover approx. 0.14 hectares, with the remaining part of the site outside of the curtilages proposed to be rough and maintained grassland to be managed by the property owners via an agreement.

3. **Relevant Planning History**

3/2014/0183 - Hybrid planning application seeking both full and outline planning permission as follows: Full planning permission for works and a change of use to the Grade II listed Kirk Mill to create a hotel (18 bed, use class C1) and bar restaurant (Use class A3), works to the barn building to create seven holiday cottages (use class C1), construction of a hotel and spa (20 bed use class C1), wedding venue (use class D1), kids club (Use class D1) and trailhead centre (Use class D1 and A3), change of use of Malt Kiln House from residential to use class C1, construction of a new cricket pavilion (Sui Generis), demolition of the group of derelict factory buildings. Outline planning permission for 60 residential dwellings, split over two sites, with a maximum of 56 and 4 units on each with all matters reserved except for means of access. **Refused. Allowed at appeal.**

3/2016/0949 - Removal of condition(s) 60 (hydro scheme) from planning permission 3/2014/0183. **Approved**

3/2017/0903 - Variation of Unilateral Undertaking dated 23 March 2016 forming part of planning permission 3/2014/0183 to make amendments to the provision of affordable housing and to provide an off-site contribution for a play area. **Approved**

3/2018/0996 - Non material amendment sought from planning permission 3/2014/0183 for the variation of approved access. **Approved**

3/2019/0132 - Reserved matters approval for the residential development of four new dwellings with associated infrastructure and landscaping. **Approved**

3/2023/0160 - Variation of condition 1 (plans) of reserved matters approval 3/2019/0132 to amend the proposed levels and realign the drive serving the four approved dwellings. **Pending consideration**

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy Key

Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement EN5 – Heritage Assets

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Key Statement EC1 – Business and Employment Development

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodlands

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME4 – Protecting Heritage Assets

Policy DME5 – Renewable Energy

Policy DME6 – Water Management

Policy DMH3 – Dwellings in the Open Countryside and AONB

Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

The Planning (Listed Buildings and Conservation Areas) Act

Chipping Conservation Area Appraisal and Management Guidance

Kirk Mill Conservation Area

5. **Assessment of Proposed Development**

5.1 Principle of Development:

5.1.1 Section 38(6) Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This is also referenced in paragraph 47 of the NPPF.

5.1.2 Policy DS1 of the Core Strategy sets a development strategy for the Borough and states that the majority of new housing development will be concentrated in a strategic site and the main 3 settlements. It adds that in the Tier 2 Village settlements (which includes Chipping) development will need to meet proven local needs or deliver regeneration benefits. The proposed dwellings would be available on the open market and be built on a greenfield site. They do not meet proven local needs or deliver regeneration benefits and so would conflict with Policy DS1.

5.1.3 Policy DMG2 states that within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following: 1) should be essential to the local economy or social well-being of the area; 2) for forestry or agriculture; 3) is for local needs

housing which meets an identified need; 4) is for small scale tourism or recreational development appropriate to a rural area; 5) is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated. Whilst the scheme for four dwellings could be considered smallscale, it does not provide local needs housing and would conflict with Policy DMG2.

5.1.4 The site lies outside the settlement boundary within the defined Forest of Bowland AONB.

Policy DMH3 relates to dwellings in the open countryside and AONB and limits residential development in those areas to: 1) essential agricultural dwellings or those which meet an identified local need; 2) conversions, subject to criteria; 3) rebuilding or replacing existing dwellings, subject to criteria. The proposed dwellings do not fall within any of these exemptions therefore would conflict with Policy DMH3.

5.1.5 Policy DMG3 requires considerable weight to be attached to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development. The requirement for development to be sustainable and contribute to the continuation or creation of sustainable communities is also a requirement of the NPPF. The proposed site is within reasonable walking distance of the village centre with its limited services and facilities and the nearest bus stop however future occupants would need to walk along a stretch of road with no footpaths and limited street lighting. The rural location of Chipping is such that future occupants would likely be reliant on a private motor vehicle. This weighs against the proposal.

5.1.6 Notwithstanding the policy conflict identified, a significant material consideration in this case is the fact that there is an extant planning permission for four dwellings on this site. This is due to an appeal scheme that was allowed in 2016 (application ref: 3/2014/0183) for the development of five sites which included the application

site, known as parcel 4. It also related to development of Kirk Mill, the main mill complex, the existing cricket ground and the new cricket ground (parcels 1, 2, 3 and 5 respectively). This appeal decision forms a material planning consideration in the overall planning balance as it represents a fall-back position.

5.1.7 The test to determine a fall-back position is whether or not there is a “real” prospect of a development being implemented. The appeal decision required parcels 3 and 4 to submit applications for approval of reserved matters by 18.04.2019, and for development on both sites to commence no later than two years from the date of the reserved matters approval. In respect of parcel 4 a valid reserved matters application was made on 21.02.2019 and approved on 07.06.2019. This required work to commence by 07.06.2021. The council received photographic evidence on 04.06.2021 that engineering works on site to implement the permission for parcel 4 had commenced. Therefore it is considered that there was a technical start made within the requisite period.

5.1.8 The appeal decision and reserved matters approval imposed a number of precommencement conditions requiring the submission and approval of further details. The majority of these have been satisfied with discharge of condition applications. There are six potential breaches whereby conditions have not been satisfied. However having regard to caselaw the question

is whether the conditions go to the heart of the development so as to render the entirety of the development unlawful; and if they do, whether it would be expedient, irrational or an abuse of power to enforce for compliance. The Council has taken legal instruction on this matter. The advice is that they are not true pre commencement conditions that should prevent development commencing. As such these breaches cannot be relied upon to argue there is no extant permission on parcel 4.

5.1.9 It is acknowledged that the appeal scheme related to five sites, only two of which have been developed as intended to date (the development of 39 houses on the existing cricket pitch site and the replacement cricket pitch site). The Inspector clearly envisaged that parcels 1, 2 and 5 (which had full permission) would be delivered before the housing on parcels 3 and 4 (which had outline permission) but this has not occurred. The Inspector deemed parcels 3 and 4 to be enabling development for the Kirk Mill complex, however - unusually - did not impose conditions requiring certain sites (the Kirk Mill complex) to be delivered before the housing. All that was required was a schedule of works outlined in the legal agreement, including demolition of buildings, which have been undertaken. So the fact that the Kirk Mill complex has not yet progressed beyond these initial works is not a reason to prevent the permission for four dwellings being implemented, in the same way as the existing cricket ground site has come forward.

5.1.10 The four dwellings in this current application are not enabling development, and so it is a different situation to the appeal scenario. That is why when assessed as a stand-alone application, the proposal is unacceptable in principle for the reasons set out above. However, because the appeal scheme for four dwellings on this site could be practically implemented, it is necessary to consider the planning merits of the proposal by comparison with the fall-back scheme to see whether or not there would be any additional harm from allowing the current application.

5.2 Design and Visual Impact:

5.2.1 The development will undoubtedly change the character of the site, which is currently undeveloped grassland, and result in a loss of openness. The urbanising impact will reduce the degree of separation between the village and Kirk Mill and to a lesser extent Old Hive. The development would represent a negative change to the area and the AONB. This harm would be reduced to some extent by the existing housing on the newly built estate opposite (39 dwellings) and so the development would not appear visually isolated. New landscaping proposed will also help to mitigate the impact of the development once established.

5.2.2 The application proposes a new access into the site to be taken from Fish House Lane to be culverted over the brook which runs along the front of the site (the extant permission is for access to be from Malt Kiln Brow). This new access to the front of the site will have a more urbanising impact however the character of this section of Fish House Lane has changed with the 39 houses opposite and so this impact has to be balanced with the visual benefit of no longer providing an access from Malt Kiln Brow, with the eastern section of the site proposed to be returned to rough grassland following its temporary use for parking of contractor vehicles.

5.2.3 Despite the change to the site access, the four dwellings now proposed and their curtilages will be on an almost identical footprint to the approved scheme, towards the front of the site, leaving the back of the site as undeveloped rough grassland. As with the approved levels in the approved reserved matters application it is proposed to top slice the existing ground level to lower the site levels onto which the dwellings will be built. Some of this engineering work to alter the levels has already taken place. The proposed finished floor levels (FFL) will range from 127.3m – 128.65m above sea level in comparison to the approved FFL which ranged from 125.7m – 130m. They will sit relatively level with the site access point on Fish House Lane. It is still proposed for the site levels to fall away down to Chipping Brook which runs along the rear boundary of the site and down to Malt Kiln Brow which is beyond the eastern boundary. Existing levels will be regraded but a natural topography is maintained.

5.2.4 Revised plans show there will be two house types (C and D) with ridge heights of 9 metres. These are three storey with accommodation in the roofspace. Plots 1, 2 and 3 are identical to the approved dwellings on these respective plots. Plot 4 is proposed to be identical to plot 1 with an eaves height of 4.9m at the front and 6.45 at the back whereas the reserved matters approval was for a different house type with a ridge height of 9.2m and eaves of 6.1m. It will have a forward projecting integral garage and so the footprint of this dwelling will be slightly closer to the highway than the previously approved scheme, however being single storey this will not be unduly prominent. Furthermore its lower eaves at two storey fronting Fish House Lane in comparison to the approved scheme will offset this impact.

5.2.5 The amended dwelling types are considered to be more in keeping with the character and appearance of existing properties within the village and immediate surrounding area in comparison to the original scheme, and their bulk and massing is broken up with single storey elements, lower eaves and staggered building footprints. The proposed dwelling types have been previously approved on the site along with their proposed materials of stone and slate which is considered to be appropriate.

5.2.6 The proposed plans indicate boundary treatment details around the site edge will be largely unchanged. Within the site, the plot boundaries will be hedgerows to the rear and to the east of plot 4. A green wall formed with sand bags will create a retaining wall to the west of plot 1. Hard surfacing has been kept to a minimum and will be less than the previously approved scheme because it does not require the internal access road leading up from Malt Kiln Brow. Outside the plots the northern and eastern portion of the site will be rough grassland and the land in front of the plots adjacent to Fish House Lane will be grass. Maintaining these areas will become the shared responsibility of all residents/ homeowners of the 4 dwellings. Side driveways and integral garages will attempt to reduce the dominance of cars.

5.3 Impact upon nearby heritage assets

5.3.1 Kirk Mill lies to the north of the site, It is a former cotton spinning mill dating from 1785 and is grade II listed, with its mill pond retaining wall, outflow and stone-built leat. Its significance derives from its rarity as a surviving example of a surviving Arkwright-type mill, the retention of its water management system, surviving original features including the water wheel, the

layout and its development over time which remains clearly legible. The building has been vacant for some years.

5.3.2 Kirk Mill adjoins Kirk House, which is the former mill owner's house and is also Grade II Listed. They sit within the Kirk Mill Conservation Area as does Malt Kiln House and a row of cottages at The Grove which lie just beyond the site boundary to the north.

5.3.3 The application site lies partly within and partly outside the Kirk Mill Conservation Area. Until recent engineering works took place on the site, the boundary was represented by the top of the ridge in the topography of the site; the land then falls away to the lower land containing Kirk Mill. Further to the south sits the Chipping Conservation Area within the main core of the village.

5.3.4 The proposed houses would be located to the south of the former ridge outside of the conservation area. It would be possible for the new houses to be seen from areas within the conservation area due to their siting on higher land, There would be negative effects on the conservation area and to a lesser extent on the listed buildings. However these negative effects will be no worse than the extant planning permission and by not having a site access and internal road from Malt Kiln Brow the impact of development on the conservation area would be reduced . The site's distance to Chipping conservation area means that this would not be affected.

5.4 Impact on Residential Amenity

5.4.1 The proposal for four dwellings will not result in any additional overbearing impacts or loss of light on existing neighbouring properties compared to the fall-back scheme.

5.4.2 The proposed access will be facing the recently constructed housing estate and so there will be some additional noise and disturbance for these residents from motor vehicles entering and leaving the site. However this is not considered to be significant for a development of four properties and will be balanced with the

benefit of no longer providing an access onto Malt Kiln Brow and therefore having a reduced impact on Malt Kiln House and The Grove.

5.4.3 There will be an impact on existing properties during the construction phase of the development. However these impacts are short-term and temporary. The extant permission was for construction to be between the hours of 07:30 – 18:00 Monday to Friday and 08:30 – 14:00 on Saturday. Material storage, car parking and welfare facilities were proposed on appeal site parcel 2 (mill complex) with construction traffic entering the site from the Malt Kiln Brow access. The proposed construction hours for the proposed development would be the same although the material storage, car parking and welfare facilities would be on the site itself, with parking via the temporary access off Malt Kiln Brow and with construction traffic using the new site access. There will be some additional noise and disturbance for residents off Fish House Lane from construction traffic entering/leaving the site but as previously states these impacts are short-term and temporary, and also this will be balanced

with the benefit of reduced impacts for residents at the bottom of Malt Kiln Brow as construction traffic will avoid this area.

5.5 Trees and Ecology

5.5.1 A tree report has been submitted dated July 2022 together with tree protection and constraint plans. The site has also been visited by the Council's Countryside Officer to assess the impact on trees and hedgerows. The plan shows that existing trees of amenity value will be retained along the site frontage including a Sycamore tree in the south western corner. To the west of the proposed site access are 3 ash trees however the applicant has confirmed these are outside of their ownership and there are no plans to remove them as part of the application. A stone wall is in situ where the proposed access will go and therefore it will require the removal of a negligible amount of vegetation and hedgerow. There will be no impacts on trees outside the site that are protected by TPO No.1 1970.

5.5.2 An ecology report and biodiversity net gain assessment has been submitted dated July 2022. This identifies potential impacts to amphibians and reptiles, including great crested newts (GCN), bats, nesting birds and aquatic species within the brook. There is a suggestion for further survey work to confirm the absence of GCN should be undertaken prior to any site clearance. However this clearance has already been undertaken to implement a previous permission. This development is not considered to result in any additional impacts upon ecology compared to the previous scheme. The ecology report considers the nearby BHS and others further afield, but does not consider there to be any direct or indirect impact from the development by reason of the intervening distance and the scale of the development proposed. This satisfies policy DME3 which requires the protection of such sites. New tree planting along the site frontage with Malt Kiln Brow, new hedgerow planting to the rear gardens and a green wall to the west of plot 1 are proposed. The development satisfies Key Statement EN4 which requires a net enhancement in biodiversity.

5.5.3 In terms of water pollution, the ecology report considers there to be a risk of unintentional pollution and/or sedimentation events associated with re-profiling of steep embankments within the site that may affect the water quality of Chipping Brook. It is recommended that pollution/sedimentation control measures are implemented during the construction phase to avoid any direct and/or indirect impacts to the brook. Such measures are included within the Construction Environment Management Plan.

5.5.4 The report and plans demonstrate there will be no additional impacts on trees and ecology compared to the approved scheme, and indeed the amount of grassland compared to the previously approved scheme is increased.

5.6 Highway Safety and Accessibility:

5.6.1 The Local Highways Authority has no concerns in respect of the proposed development insofar that the additional details provided for the access arrangements are acceptable and that sufficient parking could be accommodated together with the safe manoeuvring of vehicles within the site subject to conditions. Furthermore they consider there are some benefits to highway safety for the use of this access rather than the previously approved access on Malt

Kiln Brow because it precludes the use of the junction at the top of Malt Kiln Brow which has poor visibility due to the acute angle of the junction. This benefit would also apply to the use of the access by construction traffic.

5.6.2 A bin collection point is shown at the site entrance, which the Local Highways Authority and Engineering Services department are satisfied with. A condition can secure the provision of electric vehicle charging points.

5.6.3 The Local Highways Authority have reviewed the revised Construction Environment Management Plan and consider it to be acceptable. They do however have concerns with the proposed management and maintenance arrangements of the estate road and so this will need to be addressed by condition.

5.6.4 It is acknowledged that the immediate highway network on Fish House Lane, Malt Kiln Brow and Church Raikie do not have footpaths. As such residents and visitors walking to/from the village are forced to use the highway. However given that no objections are raised by the Local Highways Authority the additional traffic generated by residents of the four dwellings as well as the construction vehicles is not considered to result in an unacceptable impact on highway safety. This proposal satisfies Policy DMG3 of the Ribble Valley Core Strategy as a suitable and safe access into the site will be provided subject to appropriate conditions.

5.7 Drainage and Flood Risk

5.7.1 A drainage strategy has been submitted. This demonstrates that surface water from the development will drain into the culverted stream at the front of the site. This satisfies the SUDS hierarchy which prioritises drainage to watercourses where infiltration into the ground is not possible. Foul water will drain north and connect to an existing united utilities public combined sewer. United Utilities raise no objection to this proposed arrangement which can be secured by condition.

5.7.2 A flood risk assessment has been submitted. This demonstrates that the residential dwellings and site access are proposed entirely within flood zone 1, which is the lowest risk of flooding. Therefore it is not necessary to apply the flood risk sequential test. The lower area of the site, alongside Chipping Brook, is designated flood zone 2 and 3 and will remain undisturbed, with an 8 metre easement buffer to the brook being maintained. No objections are raised from the Environment Agency to the impact of the development on this brook or in terms of any flood risk concerns.

5.7.3 Access to the site will need to cross the existing stream as such a new culvert structure is needed along with culverting of the watercourse to facilitate the new road crossing (culvert in the form of a 1200mm diameter pipe). The Lead Local Flood Authority (LLFA) have been consulted on the application but have no comments to make. Separate to the need to obtain planning permission the applicant is required to obtain separate consent from the LLFA in order to carry out these works. The applicant has provided confirmation of this consent being obtained from the LLFA.

5.8 Other issues:

5.8.1 Concerns have been raised about land stability as a result of reprofiling steep embankments at the rear of the site. A slope stability report dated July 2022 has been submitted confirming that natural ground had a slight slippage, and detailing 2 options, either a retaining wall inserted or provide reinforced ground (insertion of geogrid in layers, stone liner at bottom etc). The applicant has confirmed that the excavated ground was stockpiled for the consultant to view, who confirmed that the ground material (stone & hard clay) was exactly as described in the ground investigation right the way to the bottom of the dig levels and beyond. Therefore the reinforced ground option was appropriate and the applicant has subsequently recreated the slope with reinforced ground to provide the slope improvement. This matter is therefore considered to be appropriately dealt with.

5.8.2 Third party concerns are acknowledged about public consultation however the application has been advertised via press notice, site notice and the issuing of neighbour letters to those properties directly affected by the proposal and therefore the relevant legislation for publicity of applications has been satisfied.

5.8.3 Third party concerns are acknowledged about out of date documents however key documents are considered to be sufficiently up to date for the purposes of informing an assessment of the application.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 For the reasons outlined above the proposed development is in conflict with a number of Ribble Valley Core Strategy policies. It does not form an appropriate form of development in Chipping by failing to meet a local housing need or provide any regeneration benefits; residents would be dependent on private motor vehicle; and the urbanising impact would negatively affect the area, AONB, Kirk Mill Conservation Area and nearby listed buildings.

6.2 However in this case there is an extant planning permission for four dwellings which could be implemented and this represents a realistic fall-back position. As such the proposal has been compared to this fall-back scheme. On balance the proposal is not considered to result in any additional harm in comparison to the harm that would occur as a result of implementing the extant permission. In fact some benefits are identified including a safer access and reduced impact on the Kirk Mill conservation area

6.3 The fall-back scheme is a material consideration which carries significant weight and because no additional harm is identified, as well as some benefits, then this is considered a reason to justify approving the development despite its conflict with the development plan. A number of conditions are considered necessary to attach and are outlined below.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

1. The development must be begun before the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 01.08.2022 including the following plans/documents:

- BTD/P20 rev A: Boundary Treatment Elevations & Details.
- DS/GA01 rev C: Drainage Strategy.
- SKETCH01 rev A: Flex MSE Retaining Wall Proposed Section.
- MKB/C/01 rev -: House Type C, Proposed Elevations.
- MKB/C/02 rev -: House Type C, Proposed Floor Plans.
- MKB/D/01 rev -: House Type D, Proposed Elevations.
- MKB/D/02 rev -: House Type D, Proposed Floor Plans.
- LAN/BND/P01 rev D: Hard Landscaping, Soft Landscaping & Boundary Treatment Layout.
- MKB/L01 rev -: Location Plan.
- MKB/P01 rev G: Proposed Site Plan.
- Levels Sketch rev C: Proposed Levels.
- MKB/P07 rev B: S278 Highway Works, General Arrangement.
- MKB/P08 rev A: S278 Highway Works, Site Boundary.
- MKB/P02 rev C: Proposed Site Sections, 1 of 2.
- MKB/P02.1 rev A: Proposed Site Sections, 2 of 2.
- MKB/P06 rev A: Swept Path Analysis.
- MKB/TS01 rev -: Topographical Survey.
- MKB/P03 rev D: Traffic Management Plan.
- MKB/P04 rev D: Tree Protection Plan.

The development shall be retained hereafter in accordance with this detail.

REASON: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. The development hereby permitted shall be carried out in accordance with the approved Foul & Surface Water Drainage Design Drawing DS/GA01, Rev C - Dated 28.12.22. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of any dwelling, the drainage scheme shall be completed in accordance with the approved details for that dwelling. The approved measures shall be retained thereafter for the lifetime of the development.

REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

4. No works above slab level shall commence until details of the materials to be used in the construction of the external surfaces of the dwellings (including the external walls, roof, windows, lintels, cills,

soffits, fascias and bargeboards) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

REASON: To safeguard the visual amenities of the locality

5. (a) The development shall be carried out in accordance with the approved hard and soft landscaping and boundary treatment details (Drawing Nos. LAN/BND/P01 Rev D: Hard Landscaping, Soft Landscaping and Boundary Treatment Details, BTD/P20 rev A: Boundary Treatment Elevations & Details; and SKETCH01 rev A: Flex MSE Retaining Wall Proposed Section).
- (b) Prior to first occupation of any dwelling, precise details of the hedgerow, shrub and green wall planting specifications and schedules (including plant size, species and number/ densities) as shown on approved drawing No. LAN/BND/P01 Rev D, and bin store enclosure if proposed shall be submitted to and approved in writing by the Local Planning Authority.
- (c) The site shall be landscaped (including boundary treatment details) in accordance with the approved details prior to first occupation of any dwelling or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained. Any shrubs or hedgerow planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any hedge or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.
- (d) The implemented landscaping scheme shall thereafter be managed and maintained in accordance with the approved residential maintenance and management plan, January 2023 Rev C.

REASON: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology.

6. The development shall be constructed and completed in accordance with the approved site levels (Levels Sketch rev C: Proposed Levels; MKB/P02 rev C: Proposed Site Sections, 1 of 2; MKB/P02.1 rev A: Proposed Site Sections, 2 of 2.).

REASON: To ensure the development has a satisfactory visual impact, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding

7. No dwelling hereby approved shall be occupied until the parking / turning area(s) shown on the approved plan (LAN/BND/P01 rev D: Hard Landscaping, Soft Landscaping & Boundary Treatment Layout) as relating to that dwelling has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

REASON: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety.

8. (a) The internal estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level prior to first occupation of any dwelling.

(b) In the event that the internal estate road is not proposed for adoption by the Local Highway Authority then:-

- (i) details of road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall be submitted to and approved in writing by the Local Planning Authority and the new estate road(s) shall be constructed in accordance with the approved details prior to first occupation of any dwelling.
- (ii) Details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved in writing by the Local Planning Authority and the estate road shall thereafter be maintained in accordance approved management and maintenance details.

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative; to ensure that any private roads are of sufficiently adequate construction to support any loading applied to them to enable effective waste management and emergency services satisfactory access; and to ensure that adequate management arrangements are in place in the form of a management company.

9. Upon completion of the construction phase the vehicle access and hardstanding from Malt Kiln Brow shall be removed, and the land shall be landscaped in accordance with the approved details (Drawing Nos. LAN/BND/P01 Rev D: Hard Landscaping, Soft Landscaping and Boundary Treatment Details) prior to first occupation of any dwelling.

REASON: To limit the number of access points and ensure a satisfactory visual impact.

10. No part of the development hereby approved shall be commenced until the new site access has been constructed and completed in accordance with the approved detail shown on plan ref: MKB/P07 rev B: S278 Highway Works, General Arrangement; MKB/P08 rev A: S278 Highway Works, Site Boundary; and MKB/P06 rev A: Swept Path Analysis.

REASON: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

11. The construction phase of the development shall be carried out in accordance with the approved construction and environment management plan (dated January 2023) and approved plan ref MKB/P03 rev D: Traffic Management Plan.

REASON: To mitigate the impact from construction on residential amenity, water and air quality and highway safety.

12. An electric vehicle recharging (EVCP) scheme for all dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that charge points shall have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently. No dwelling shall be occupied until the approved EVCP scheme has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

REASON: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area.

13. The measures contained within the approved Tree Survey (Treestyle Consultancy dated 15.07.2022) and Tree Protection Plan (MKB/P04 rev D: Tree Protection Plan) with respect to those trees shown as being retained shall be implemented in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area.

14. The visibility splays shown on plan reference: MKB/P01 rev G: Proposed Site Plan (identified as that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access from the continuation of the nearer edge of the carriageway of Fish House Lane to points measured 43m in both directions along the nearer edge of the carriageway of Fish House Lane from the centre line of the proposed access) shall be provided prior to any construction works commencing on site. The visibility splays shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic.

15. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting that Order with or without modification), the garages hereby approved shall be retained solely for the housing of a private motor vehicle, and at no time shall any works be undertaken that would prevent it from being used for that purpose.

REASON: To ensure that the on-site vehicle parking provision is maintained to avoid the standing of traffic on the adjoining highway to the detriment of the safety and free flow of traffic thereon and in the interest of the amenity of the street scene.

16. The surface water from the approved car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the car park drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: In the interest of highway safety to prevent water from discharging onto the public highway.

17. Any removal of vegetation, including trees and hedges, should be undertaken outside the nesting bird season (March to August) unless an up-dated pre-clearance check has been carried out by a licensed ecologist within the 24 hours prior to any removal and no nesting birds are found to be present. The up-dated pre-clearance check shall be submitted to the Local Planning Authority prior to the removal of any trees and/or hedges

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities.

18. Details of a scheme for any external building or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the local planning authority prior to their installation. For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

The lighting scheme shall be implemented in accordance with the approved details and retained as approved.

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful to the character and visual amenities of the immediate area and to minimise/mitigate the potential impacts upon protected species resultant from the development.

19. Prior to any works commencing above slab level, details of the provisions to be made for artificial bird nesting and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved artificial bird/bat boxes shall be attached before any dwelling hereby approved is occupied.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 2 Class A (or any Order revoking and re-enacting that Order with or without modification), no fences, gates, walls, railings or other means of enclosure shall, at any time, be constructed/erected within the curtilage of any dwelling without express planning permission first being obtained.

REASON: To safeguard the appearance of the development.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 Schedule 2 Part 1 Class A – E and Part 14 (or any Order revoking and re-enacting this Order with or without modification), there shall be no extensions or alterations to the dwellings hereby approved, construction of buildings or installation of renewable energy, without express planning permission first being obtained.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F 0568

Appendix 18



Appeal Decision

Site Visit made on 25 May 2021

by [REDACTED] **BSc DipCD MRTPI**
an Inspector appointed by the Secretary of State
Decision date: 28 May 2021

Appeal Ref: APP/T2350/W/21/3269165

Former waste water treatment works, Whalley Road, Barrow, BB7 9AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
- The appeal is made by [REDACTED] against the decision of Ribble Valley Borough Council.
- The application Ref 3/2020/0938, dated 9 November 2020, was refused by notice dated 8 February 2021.
- The development proposed is 3no dwellings.

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 3 dwellings at the former waste-water treatment works, Whalley Road, Barrow, BB7 9AP in accordance with the terms of application Ref 3/2020/0938, dated 9 November 2020.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.

3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed and surrounding land uses and the amount of development.

Reasons

5. The site is a former waste-water treatment works where the installations have substantially been removed. According to the appellant, the northern part of the site is used in conjunction with a forestry business; the southern part is levelled with a compacted stone surface and, at the time of my site inspection, was used for storage of miscellaneous materials and machinery. The land is

accessed from Whalley Road via an estate road through a new residential housing development which is currently under construction. The site is bordered by the new residential development to the south and east, Barrow Brook watercourse lies immediately to the north and a hedged boundary with open fields beyond to the west.

6. The land is allocated as Open Countryside in the Ribble Valley Borough Council Core Strategy 2008-2028 [2014] (CS). Policies DMG2 and DMH3 of the CS limit new housing in the countryside to those essential for the purposes of forestry or agriculture, or those to meet a locally identified housing need. Although there is potentially some activity associated with forestry taking place on the site, there is little evidence to suggest the proposal for housing would meet an essential need relating to the business. Furthermore, whilst it is indicated that the dwellings would be occupied by the site owners and operators of the business, there is little to suggest this would meet a locally identified housing need that could not be met within the nearby settlement area or elsewhere.
7. The proposed development would thereby conflict with Policies DMG2 and DMH3 of the CS as they seek to deliver the Council's strategic approach to housing delivery and provide suitable locations for residential development.
8. However, the site lies immediately adjacent to the settlement boundary of Barrow. The adjacent village is identified as a Tier 1 Village in Policy DS1 of the CS, which offers a higher level of sustainability than other settlements classified within Tier 2 elsewhere. Although further residential development is not promoted in Barrow on account of existing commitments, Policy DMG2 of the CS seeks to consolidate, expand or round off development in Tier 1 settlements so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of and in keeping with the existing settlement.
9. On the ground, the site appears to form part of the wider development area and within the 'natural' boundary to built development contained by the western hedge line and Barrow Brook. These features are continuous with the settlement boundaries extending to the south and east respectively. For all intents and purposes the site pertains to the adjacent settlement area and contrasts sharply with the substantially open undeveloped fields to the north and west. It does not share the open characteristics or beauty of the countryside the CS policies seek to protect. It would regenerate a site previously used to serve the settlement area without harm to an open landscape or appearing as sporadic development. It could be designed in a manner to reflect the character of nearby development.
10. The redevelopment of part of the site would retain the existing employment use and could provide an enhancement to the site's appearance to the benefit of the surrounding new residential development. It would have equal access to local services when compared to that within the surrounding estate and would therefore retain a sustainable pattern of development which would minimise the need to travel.
11. Furthermore, there is agreement between the main parties that the southern part of the site could be developed for residential purposes without harm to the living conditions of prospective residents of the adjacent housing development or to those who might reside in the proposed houses. The area of the site for residential development would be capable of delivering the proposed number of houses with private amenity space and sufficient space for parking.

12. In support of its case the Council has referred me to an appeal decision elsewhere for a development of 3 homes adjacent to the settlement boundary which was dismissed. However, the circumstances of the site in that instance were distinct from those before me. In that case, the proposal would neither result in a consolidation nor rounding-off of the settlement. Moreover, the site had a much greater affinity to the rural landscape than the settlement area. It is therefore distinct from circumstances of this case, a case I have considered on its own merits.

13. For the above reasons, I find that there would be a minor conflict with the spatial strategy for locations for housing as set out in the CS. However, the Government's objective is to significantly boost the supply of housing and the proposal would provide up to three modern homes in a location with adequate access to services. It would round off the developed area of the settlement and improve the site's appearance in an area dominated by housing development without harm to the character of the countryside. Taking all of these considerations into account, I conclude that the benefits outweigh any harm arising from the degree of conflict with the development plan.

Conclusion

14. For the above reasons, the appeal should be allowed.



INSPECTOR

Appendix 19

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0333/FUL

Proposal: Full: Erection of two detached dwellings.

At: Land To The West Of Garfield, Keighley Road, Colne

On behalf of: [REDACTED]

Date Registered: 05/01/2022

Expiry Date: 02/03/2022

Case Officer: [REDACTED]

This decision was deferred by Colne Committee in September for the submission of the additional ecology survey report and alterations to the design of the gates.

Site Description and Proposal

The application site is a field located within the Green Belt to the south of the settlement boundary of Laneshawbridge. To the north is the former Hartley Hospital site including the Grade 2 Listed almshouses, gate and gardens. To the west are dwellings on Spring Grove, to the east is a pair of semi detached dwellings and a new residential development under construction, to the south is a wooded area with Colne Water beyond and the boundary of the Trawden Forest Conservation Area.

The proposed development is the erection of two detached four bedroom dwellings with attached triple garages. The proposed dwellings would be of a split level design cut into the hillside with sedum green roofs and natural stone walls with sections of cedar cladding.

Relevant Planning History

13/03/0667P - Erect 3 detached dwellings

Consultee Response

LCC Highways – No objection subject to the necessary visibility splays being achievable.

United Utilities – No objection subject to drainage condition.

Growth Lancashire Conservation - Firstly, I note the proximity of the site to both Lidgett and Bents and Trawden Forest Conservation Areas. However having visited the site I do not regard the site to be visually connected to either

conservation area and agree with the comments made in the Planning Statement (5.28-5.29) that the setting to these conservation areas would not be harmed by the development as proposed.

In relation to the listed buildings which lie directly opposite, the issue from a heritage viewpoint the issue is whether the current site contributes to the significance of those assets and whether the development, as proposed, would diminish that contribution. In the advice provided by Historic England's Planning Note 3 (second edition) *The Setting of Heritage Assets* (2017) describes setting as being the surroundings in which a heritage asset is experienced. It discusses how views can contribute to the significance of an asset and the importance of relationships between buildings. As such the guidance explains that the influence of setting may be far more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places.

The Hartley Homes Almshouses and Lychgate are very important heritage assets and have a high architectural significance and this is added too by the historic association to the founder, Sir William Pickles Hartley. Both buildings are highly visible from the road and are a striking example of high quality early C20th design. The almshouses are still serving their original purpose of providing social housing to older people with a long connection to the area.

The almshouses were essentially designed to be viewed from the roadside, with the three independent blocks forming the sides of an enclosed landscaped garden to the front (south) elevation. The lychgate forms a central entrance into the gardens with a pathway which leads up to the 3 storey clock tower, which is the principle feature on the rear (northern) range. The almshouses form a frame on three sides around a garden, with the lychgate as a central feature on the road, mirrored by the clocktower at the rear. The landscaped, terraced garden is a major part of the overall design, and is described in the listing.

These views will not change as a result of the proposed scheme. The properties are far enough removed not to impact on the appreciation of the listed almshouses and lychgate and key roadside views of those assets are not harmed.

Outwardly, the design incorporates an upper terrace with extensive views across to the Colne Water valley to the south. Whilst development has occurred in the area alongside Keighley Road and roadside trees have impinged onto the views, the essence of the original intention in the design and the importance of the location and wide landscape views can still be appreciated. In this respect I assign some, albeit limited value, to the appreciation of the wider southern view to the significance of the almshouses, which includes the application site.

The applicant and architect have clearly designed these new dwellings to minimise the impact beyond the site and the low profile split level design with flat roofs offer a minimal profile to the roadside. The use of natural stone also assists in blending the new designs into the landscape. Beyond this I have no comments to make regarding the design.

The provision of the new entrance drives/gates will largely sit within the site and will

not impinge on the important views of either listed building.

As noted above I am mindful that roadside vegetation/trees now form the northern boundary of the application site and that it is intended to maintain these as a landscaped boundary screen in the scheme. Whilst the two new properties will be seen through the newly formed entrance drives/gates, largely views will be very limited and when approaching the site along Keighley Road, both properties, will be essentially unseen behind the frontage vegetation.

In this context, I think the level of harm to the setting will be very limited and will not amount to it being any discernible level and overall the significance of the listed almshouses and lychgate will remain unharmed. Therefore, in my view the LPA is not required to undertake a balancing exercise as per P.202 of the NPPF.

Clearly, it will be important to retain the trees and the enclosure afforded the new properties along the roadside boundary and I would want to limit any losses through the formation of the access drives.

As I am required to do so, I have given the duty's imposed by s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments.

As I do not consider that, the proposal would cause any substantial harm or loss of significance to the designated assets identified in my assessment the proposal meets the statutory test 'to preserve'. As such, the proposal would conform with the national planning advice contained in Chapter 16 of the NPPF and meet the requirements of

Policy ENV 1 and Policy ENV 2 of the Pendle Local Plan (2011-2030).

I would recommend that if the Council is to approve the application that suitable conditions are added re the approval of facing materials.

PBC Environmental Health – Please attach a construction method statement condition and contamination note.

Colne Town Council -

Public Response

Press and site notices posted and neighbours notified – Responses received objecting on the following grounds:

- Concerns regarding the height of fencing and landscaping to the west boundary impacting on views from and light to properties on Spring Grove.
- Concern about changes to ground levels along the eastern boundary.
- Harm to the openness of the Green Belt for which there are no very special circumstances demonstrated.
- Impact on the adjacent listed buildings.
- The design is not in keeping with nearby dwellings.

Response received raising no objection subject to accordance with the submitted

plans and commenting that the proposed houses will be stunning.

Officer Comments

Policy

Policy ENV1 of the Replacement Pendle Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability. Developments should maintain the openness of the Green Belt.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy ENV7 (Water Management) states that the design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.
3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

Policy LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land will be supported.

Replacement Pendle Local Plan

Policy 31 (Parking) which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include limited infilling in villages.

Principle of the Development

The proposed dwelling is located in a sustainable location with nearby access to services facilities and public transport and therefore is acceptable in principle in accordance with policy LIV1.

Green Belt

The Framework allows limited infilling within villages as development that is not inappropriate in the Green Belt.

In assessing this application the settlement limits are governed by the Local Plan, the settlement boundary of Lanshawbridge runs along the full length of the frontage of the site, within Policy SDP2 this location would be categorised as part of the rural village of Laneshawbridge.

The proposed development would infill an area between the dwellings at Spring Grove and Garfield and the proposal is for two dwellings, although individually large would constitute a limited level of development.

The development would therefore meets the exception for limited infilling within villages and therefore is not inappropriate development.

The dwellings would be set down the hillside in on a split level spacious plots and although large in footprint they would be largely single storey with flat green roofs, with a split-level two storey element only to the south side. This together with the open space around the plots would minimise their impact on the openness of the Green Belt.

Taking these factors into account the development in not inappropriate development and would not result in an unacceptable impact on the Green Belt.

Design

The proposed dwellings would be of a contemporary design, with large sections of glazing but would also have green roofs and natural stone walls. The dwellings would be unlikely to be prominently visible from Keighley Road, being set down and back behind the existing line of trees that would be largely retained other than to allow for the formation of the vehicular accesses. They would be visible from across the valley but would be set into the hillside and alongside exiting development and would not result in unacceptable landscape and visual impacts, it has also been confirmed that the glazing in the south elevation would be anti-reflective to prevent impacts of glare on the valley from the sun reflecting off the glazing in that elevation.

Concerns were raised by Colne Committee regarding the ornate design of the proposed gates, amended plans have been received simplifying the design of the gates.

The proposed development is therefore acceptable in terms of design and visual amenity in accordance with Policy ENV2.

Heritage Impact

The site is located opposite the Hartley Hospital almshouses and gate which are Grade 2 Listed buildings. The development is set down on lower land below that

site, due to this physical separation and the landscaping between the development would have a negligible impact upon the setting of the Listed Buildings and result in no harm to their significance.

The site is also adjacent to Trawden Forest Conservation Area approximately 60m to the south. Although the site would be visible in views out of the Conservation Area, for the reasons set out in the visual amenity section it would not result in harm to the significance of that or the nearby Lidgett and Bents Conservation Area.

The proposed development is therefore acceptable in terms of heritage impact in accordance with policies ENV1 and ENV2.

Impact on Amenity

The proposed dwellings would be a sufficient distance from adjacent dwellings to ensure that they would not result in any unacceptable loss of privacy, light or overbearing impact.

Concerns have been raised in relation to the potential impact of boundary fencing, landscaping and alterations to levels on the residential amenity of dwellings on Spring Grove facing the site.

Whilst landscaping and boundary treatments would be controlled by the recommended conditions this is for reason of visual amenity. Permitted fencing of up to 2m in height would not result in any unacceptable impacts upon the residential amenity of occupants of properties on Spring Grove. It would also not be reasonable or necessary to restrict the future planting of trees within the gardens of the proposed properties, the planning system does not protect private views such as those from Spring Grove across the site.

The plans do not indicate any proposed change in levels adjacent to the eastern boundary with Spring Grove, final details of levels and any retaining walls would be controlled by the recommended conditions.

The proposed dwellings would raise no unacceptable residential amenity impacts in accordance with policy ENV2.

Trees & Ecology

There are two protected trees within the site, protected under TPO No1. 1963 those are a Lombardy Poplar and Horse Chestnut on the northern boundary of the site, there is also a protected Alder adjacent to the south east end of the site and dense hedge running along the north boundary of the site.

The Lombardy Poplar is identified as being in poor condition in the tree survey and is recommended for removal irrespective of the development.

The hedge is identified by the ecology survey as being a species rich hedgerow. Two approximately 6m sections of the hedge would be removed to make way for the two accesses but the rest of the hedging is proposed to be retained. The ecology survey recommends that the loss of the sections of hedgerow can be acceptably mitigated by planting a new area of hedgerow along the western boundary of the site, this would also offer some additional screening of the development. With replacement trees, additional landscaping and control of final

levels the proposed development would not result in an unacceptable impact upon trees.

The report identifies the potential for amphibian species to be present on and adjacent to the site, it advises that a condition for suitable a mitigation plan can ensure that there are no unacceptable impacts.

The ecology report also identifies potential for the site to provide habitat for protected reptiles, it recommends that further survey work is necessary to establish whether reptiles are present on site. Those surveys are being carried out and the ecologist has initially advised that no protected reptiles were found, however the report confirming that is still being prepared at the time of writing this report. Subject to the receipt of an acceptable report confirming that finding the development would be acceptable in terms of its impact on ecology.

Highways and Access

The proposed accesses and car parking provision are acceptable. The development is acceptable in terms of highway safety.

Previous Decisions

An application was refused for three dwellings across this and the adjacent site now under development in 2003 on the grounds of inappropriate development in the green belt and open countryside, loss of protected trees and highway safety due to general concerns regarding proliferation of accesses due to ribbon development and precedent for other future development.

There have been changes in policy with regard to development outside of settlement boundaries, in relation to infill development within the Green Belt and highways impacts since the determination of that application. As detailed above the proposed development does represent acceptable development within the open countryside and Green Belt.

The proposed development is acceptable in terms of highway safety. Each application is dealt with on its own merits and setting of a precedent for other development would not be a defensible reason for refusal of this application.

Conclusion

It is recommended that the approval of the application, and any conditions necessary, is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of acceptable additional ecology survey report.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 22/33/1, 22/33/2, 22/33/5, 22/33/6A, 22/33/7, 22/33/10, 22/33/11A, 22/33/9B.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of the external materials to be used in the elevations and boundary walls of the proposed development shall have been submitted to and approved in writing by the Local Planning Authority, the development shall thereafter be carried in strict accordance with the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

4. The dwelling hereby approved shall not be occupied unless and until the car parking spaces shown on the approved plans have been surfaced in a bound material and made available for car parking purposes. The spaces shall thereafter at all times be maintained free from obstruction and available for car parking purposes.

Reason: to ensure adequate car parking provision in the interest of highway safety.

5. Prior to first occupation of the approved dwellings that part of the internal access road extending from the entrance gates for a minimum distance of 5m into the site shall be hard surfaced in bound porous material.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway, where it could pose a hazard to road users.

6. The demolition of the existing dwelling shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local planning Authority. The Method statement must cover the topics detailed below:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials

- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from clearance and construction works
- Details of working hours
- Timing of deliveries
- Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- Construction site noise and vibration
- Control of burning onsite

The development shall be carried out only in strict accordance with the approved Construction Method Statement.

Reason: In the interest of residential amenity and highway safety.

7. The development shall be carried out in strict accordance with the mitigation recommendations of the submitted Preliminary Ecological Appraisal.

Reason: To ensure that the development preserves and enhances the ecology of the site.

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A & E of Part 1 and Class A or Part 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to preserve the openness of the Green Belt

9. The development hereby approved shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) An outline specification for ground preparation for landscaped areas;
- iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting

densities;

iv) All proposed boundary treatments with supporting elevations and construction details;

v) All proposed hard landscaping elements and paving, including layout, materials and colours;

vi) The proposed arrangements and specifications for initial establishment maintenance and long term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interest of visual amenity and to preserve the setting of the adjacent Listed Buildings.

10. There shall be no alterations to the levels of the site unless and until additional level or section plans detailing any alterations to land levels within the site, including details of any retaining walls proposed, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in strict accordance with the approved details.

Reason: In the interest of visual amenity and to ensure that trees to be preserved on site are not harmed.

11. Unless otherwise approved in writing by the Local Planning Authority no ground clearance, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837: 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including service runs, the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To ensure that the trees are suitably protected throughout the

construction process.

- 12.** Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

No development of each plot hereby approved shall commence until a scheme for the construction of the site access, including any off-site works of highway improvement, has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to ensure that the final details of the highway scheme/works are acceptable before work commences on site.

- 13.** Prior to first occupation of each approved dwelling visibility splays measured 2.4m back from the centre line of the access and extending 43m in both directions on the nearside carriageway edge on Keighley Road shall be provided as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

- 14.** Prior to first occupation of each individual plot the vehicular access shall be constructed to an appropriate standard and the driveway paved in a

bound porous material.

Reason: In the interest of highway safety to ensure adequate vehicular access to the plot and to prevent loose surface material from being carried on to the public highway.

- 15.** All windows and balconies in the south elevation shall be fitted with anti-reflective glazing the specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of approved anti-reflective specification.

Reason: In the interest of visual amenity.

Notes: If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed and agreed with the local planning authority.

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278 short form), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

The construction of the accesses to an appropriate standard, including the re-location of any highway gullies necessary.

The existing dropped kerbs within the bus box carriageway markings adjacent to the access to Plot 2 shall be reinstated to full height.

The applicant should be advised to contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

Application Ref: 22/0333/FUL

Proposal: Full: Erection of two detached dwellings.

At: Land To The West Of Garfield, Keighley Road, Colne

On behalf of: [REDACTED]

Appendix 20

Appeal Decision

Site visit made on 24 June 2020

by [REDACTED] ***BSc DipTP MRTPI***

an Inspector appointed by the Secretary of State

Decision date: 16 July 2020

Appeal Ref: APP/E2340/W/19/3241602

Land off Blacko Bar Road, Roughlee Booth BB9 6NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by [REDACTED] against the decision of Pendle Borough Council.
 - The application Ref 19/0535/FUL, dated 15 July 2019, was refused by notice dated 6 September 2019.
 - The development proposed is “the construction of 2 self-build, detached, eco-homes and a detached double garage on land owned by the applicant for his family.”
-

Procedural matter

1. The Council’s decision refers to the site address as ‘Land adjacent to Yate House, Ridge Lane, Roughlee’. This was the address adopted on the appeal form. However from the submitted plans it appears that Yate House is on the opposite side of Blacko Bar Road and the proposed development site does not abut Ridge Lane. I have therefore used the address as set out on the application form.

Decision

2. The appeal is allowed and planning permission is granted for “the construction of 2 self-build, detached, eco-homes and a detached double garage on land owned by the applicant for his family” on land off Blacko Bar Road, Roughlee Booth BB9 6NP in accordance with the terms of the application, Ref 19/0535/FUL, dated 15 July 2019, subject to the conditions set out in the schedule to this decision.

Main issue

3. There is one main issue in this case. That is the effect of the proposal on the character and appearance of the countryside, which is within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

Reasons

4. The site is an area (c.0.43 hectares) of agricultural land in the open countryside. It is on the southeast side of Blacko Bar Road, to the northeast of Dabs House and to the south of White Hough Water, with a footpath following the river. The eastern boundary is adjacent to dense woodland and to the south is further land used for agriculture and grazing.
5. The settlement itself is further to the northeast, across the bridge over White Hough Water. There are a range of facilities within the settlement and a bus route close to the site. The surrounding area includes intermittent housing and farmsteads set in open land.

6. The AONB was designated in 1964 and comprises around 310 square miles of upland landscape in Lancashire and Yorkshire. It features a central upland core with summits above 450m and large areas of peat moorland cut into by steep valleys which open out into green lowlands - such as the area around the appeal site.
7. The proposal is two detached dwellings, set back from Blacko Bar Road, from which access would be gained. The design approach seeks to reflect a traditional rural enclave, with dwellings designed to appear as though farm buildings had been converted to residential use.
8. The site is about 140 metres outside the settlement boundary, but this matter has not been raised by the Council as an objection to the proposal and the Council accepts that this is not an isolated location in policy terms. I have no reason to disagree. In addition Policy LIV1 of the Local Plan for Pendle: Core Strategy 2011-2030 (LP) accepts new housing development on non-allocated sites, provided they are within or very close to the settlement boundary and comply with other relevant policies including sustainability. The Council adopted Supplementary Planning Guidance (SPG) in 2002, entitled Development in the Open Countryside, which adopts a similar approach.
9. The key policy in this case is LP policy ENV1 which, amongst many other matters, gives great weight to the conservation of the landscape and scenic beauty of the AONB. It also references the Forest of Bowland AONB SPG (2003) which adopts a restrictive approach towards development in the AONB. There is a difference between the parties as to the relevance of this SPG given its age and the fact that it was produced in a different national policy context. However, given that it is referred to in the relevant part of the adopted development plan and that its general thrust is in line with national policy towards AONB protection, it remains a material consideration.
10. The development would be visible from various locations in the vicinity, and particularly from the footpath running along the river. But the fact that it could be seen does not equate to an intrusion into the area – what matters is how the development would sit in its context. Whichever viewpoint is chosen, to the extent that the development would be visible, the view of the open countryside would be preserved with the proposed dwellings set amongst others (both inside and outside the settlement) at the base of the hills. Its effect would be further limited by the setback of the buildings from the road frontage, with the larger of the two buildings located furthest from the road. The existing high stone wall along Blacko Bar Road would be repositioned and re-built using the existing stone, at a similar height, and this would help to screen the proposal in some local views.
11. The fact that the site is on the valley floor, in an area contained by rising slopes, would limit longer distance views of the site. It would not be prominent in the wider AONB landscape.
12. The Council has not raised any objection to the design concept or the materials to be used, in the light of LP policy ENV 2. The appellants' approach is to give the impression of a historic farm complex and, although this may not be entirely successful, it would serve to further reduce the effect on the area.
13. Overall, the proposal would conserve the landscape and scenic beauty of the area. It would not conflict with the relevant development plan and national policies.

Other matters

14. A considerable amount of evidence has been submitted by the appellants regarding their personal circumstances and need. This has been the subject of comment by the Council and other parties. However, given my conclusions above on the main issue in this case I do not need to consider these matters further. I note that the AONB SPG advises that all proposals for new housing must meet a valid local need and must be accompanied by a

Housing Needs Statement. However this aspect of the guidance is no longer compliant with national policy. In any event national guidance is clear that planning permission usually runs with the land. It is rarely appropriate to provide otherwise, although there may be exceptional occasions.

15. Highway safety and flood risk were amongst the matters raised by some local residents. However there is no technical evidence to counter the views of the highway authority and the Environment Agency, which are that the proposal is acceptable. Other matters are not of sufficient weight to alter my conclusions.
16. The main parties referred to two other appeal decisions in the area¹, suggesting that they are comparable to the appeal site. However, even leaving aside the fact that each appeal must be treated on its merits, the current appeal should be considered on the very particular circumstances of its location and design, and these other decisions are of very limited assistance.

Conditions

17. I have considered the conditions put forward by the Council, without prejudice to its position. I have made minor amendments in the interests of clarity and in line with national guidance.
18. In the interests of clarity, a condition is necessary to specify the approved plans (Condition 2).
19. A number of matters need to be submitted for approval. In the interests of the appearance of the development, details of the materials, boundary treatment and landscaping need to be approved (3 – 7, 11 and 12).
20. To avoid foul or surface water issues, a scheme for water treatment needs to be submitted, the development should be undertaken in line with the Flood Risk Assessment, and levels submitted for approval (8, 9 and 18). To prevent ecological damage, the development should be undertaken in line with the Preliminary Ecological Assessment (10). In the interests of local amenity and highway safety a Construction Method Statement needs to be submitted and implemented (13). For highway safety reasons visibility splays and other details need to be provided (14 - 16). To encourage sustainable means of transport, the dwellings should be provided with an electric vehicle charging point (18).
21. The Council suggested the withdrawal of a range of permitted development rights. The only reason given for this suggested condition was to enable the Council to control future development in the interests of the character of the area. However national guidance is that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. This has not been demonstrated in this case, and I do not intend to impose this suggested condition.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

 Inspector

Schedule of conditions

Land off Blacko Bar Road, Roughlee Booth BB9 6NP

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 07A, 09A, 05A, 11, 03A, 04A, 06A, 08A, 02, 10, TRI-2551-01 and MR19-025/101 RevB.
3. Prior to any above ground works samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) including fascias, rainwater goods, windows, doors, wall and roof materials shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The external wall samples as required by Condition 3 above shall be provided by means of the erection on site of a one metre square sample panel of stonework including proposed mortar mix and joint detail, for the written approval of the Local Planning Authority. The panel so approved shall not be removed until such time as the external walls are complete and development shall be carried out in accordance with the approved details.
5. Prior to any above ground works, samples of the materials to be used for all hard surfacing of the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall be completed in accordance with the agreed details, prior to occupation of the first dwelling.
6. Prior to any above ground works, full details of all boundary treatments to be erected or planted on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details, prior to occupation of the first dwelling.
7. The windows and doors shall be recessed by at least 70mm.
8. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the erection of the external walls of the development. The scheme shall provide for separate systems for foul and surface water and be constructed and completed in accordance with the approved plans before any dwelling is occupied.
9. The development shall commence in accordance with the recommendations of the Flood Risk Assessment (2019-006-B Date: 08/07/2019).
10. The development shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Assessment (Date: 1/03/2019).
11. All landscaping shall be implemented in accordance with approved plan MR19025/101 RevB. The approved scheme shall be implemented within the first planting season following the completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.
12. The existing hedgerow on the northern border of the site, adjacent to White Hough Water, shall be retained permanently in its entirety. Any part of the hedge removed without the Local Planning Authority's consent or which dies or becomes seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species

and in such positions as specified by the Local Planning Authority.

13. No development shall take place, including any works of clearance, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the preparation and construction period. It shall provide for: i) The parking of vehicles of site operatives and visitors ii) The loading and unloading of plant and materials iii) The storage of plant and materials used in constructing the development iv) The erection and maintenance of security hoarding v) Wheel washing facilities vi) Measures to control the emission of dust and dirt during construction vii) A scheme for recycling/disposing of waste resulting from demolition and construction works viii) Details of working hours ix) Details of surface water discharge during construction period.

14. The development shall not commence until a scheme for the site access has been submitted to and approved in writing by the Local Planning Authority. The visibility splay at the site access shall be that land in front of a line drawn from a point 2m measured along the centre line of the proposed road to points measured 43m in each direction along the nearer edge of the carriageway of Blacko Bar Road, from the centre line of the access, and shall be constructed and maintained no higher than 1m above the carriageway level. The approved scheme shall be implemented prior to the first occupation of any house.

15. Before the dwellings hereby permitted are occupied, the access and road to be used for vehicular purposes extending from the highway boundary into the site shall be appropriately paved in a bound porous material.

16. The development shall include provision to enable vehicles to enter and leave the highway in a forward gear and for sufficient on plot parking. The development shall not be occupied until such provisions have been laid out and surfaced in accordance with approved plan No.10. The car parking and manoeuvring areas shall thereafter at all times remain free of obstruction and available for parking and manoeuvring purposes.

17. No development shall commence until details of the existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The details should demonstrate that there will be no increase in ground levels within that part of the site identified as being at risk of flooding.

18. Prior to first occupation each dwelling shall be provided with an electric vehicle charging point.

.....End of conditions.....