

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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STATEMENT OF CASE

TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/23/3336809
LPA Application Reference:	3/2023/0517

Appeal by Mr Kevin Taylor
Against the refusal by
Ribble Valley Borough Council to grant planning permission for:

Use of caravan for residential purposes

Quarry Bank, Abbotts Brow, Mellor BB2 7HU

**REPRESENTATIONS SUBMITTED ON BEHALF OF
THE LOCAL PLANNING AUTHORITY**

1. Introduction

1.1 This appeal is against the decision of Ribble Valley Borough Council to refuse planning permission for use of a caravan for residential purposes at Quarry Bank, Abbott Brow, Mellor.

1.2 The application was refused under delegated powers on the 8th December 2023 for the following reasons:

1. The proposal is contrary to Key Statements DS1, DS2, and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy 2008 – 2028 insofar that an existing residential use has not been established on the site and therefore approval would lead to the creation of a new residential dwelling in the defined open countryside, 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. In addition no exceptional case has been demonstrated to justify approving a development contrary to the development plan.

2. The proposal would lead to an unsustainable pattern of development, without sufficient or adequate justification, insofar that occupants of the new 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 which seeks to ensure sustainable development.

3. The proposal in concert with the exiting dilapidated structures on site is considered to result in urbanisation and encroachment of development into the countryside, resulting in harm to the visual amenity of the area, contrary to policies DMG1 and DMG2.

2. Appeal Site and Surrounding Context

2.1 The appeal relates to land, buildings and structures that were part of a former quarry accessed off Abbots Brow

- 2.2 The site is located within land designated as Open Countryside with a detached house, Quarry Bank, to the east together with a group of agricultural building across the road. The nearest settlement is Mellor which lies to the south east of the appeal site.
- 2.3 Key Statement DS1 of the Ribble Valley Core Strategy 2008 – 2028 adopted 16 December 2014 sets out the spatial development strategy for the area. This directs new development to within Tier 1 Villages, which includes Mellor. New development within Tier 2 village settlements, which includes Osbaldeston, will need to meet proven local needs and regeneration benefits. Whilst the site is closer in distance to Osbaldeston it is addressed as Mellor.
- 2.4 There is an existing vehicular access from Abbots Brow (an unclassified road U4887) into the site. Public Footpath 3-6-FP 55 runs adjacent to the site to the western side and runs for a distance of 482m across fields upwards towards the settlement of Mellor.
- 2.5 The surrounding area is rural in character with agricultural buildings and associated farmhouse properties sporadically sited along Abbots Brow.

3. Proposed Development

- 3.1 Planning permission is sought to use a caravan on the site for residential purposes by a named occupant as part of a personal permission.
- 3.2 The site lies within land defined as open countryside outside of any settlement and therefore Key Statement DS1 and Policies DS1 and DS2 of the Ribble Valley Core Strategy are engaged. The principle of a residential unit on this site has already been considered and refused twice with the more recent refusal in 2022 being considered and dismissed on Appeal.
- 3.3 The site is located on the western side of Abbott Brow with the road being typically rural in its characteristics, typified by agricultural land with sporadic roadside buildings. There is no dedicated footway for the length of Abbots Brow.

4. Relevant Planning History

- 4.1 **3/2022/0142:** Conversion of an existing former smithy into a one bed dwelling – Refused and Appeal Dismissed (Ref. APP/T2350/W/22/3306104 – attached Appendix One).

- 4.2 **3/2015/0689:** Proposed new two storey dwelling with associated residential curtilage and improved access from the highway – Refused.
- 4.3 **3/82/0028/P:** Proposed siting of caravan as permanent residence – Approved with restrictive conditions.

5. Relevant Planning Policy & Guidance

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

6. National Policy Context

- 6.1 The National Planning Policy Framework (December 2023) provides the most up to date national planning policy context for the determination of the appeal and is therefore a material consideration in planning decisions.
- 6.2 The NPPF (Para.2) reaffirms that the planning system is plan-led, and that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be considered in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

7 Case for the Local Planning Authority

- 7.1 The main issues for this appeal relate to the principle of introducing a residential use in an unsustainable countryside location, and the design and external appearance / visual impact of the caravan within the open countryside.
- 7.2 The site lies within land defined as open countryside outside of any settlement and therefore Local Plan policies DMG1 and DMG2 are engaged. The principle of establishing a residential unit on this site has already been considered and refused previously with the more recent

refusal in 2022 also being dismissed on Appeal (Appendix One). Nothing has changed in policy terms since that decision.

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

7.4 The proposal is located outside of any defined settlement limits, in this respect when assessing the locational aspects of development, it is the latter part of Policy DMG2 (Policy DMG2(2)) which 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.*

In respect of the matter of 'local need', need is defined within the Adopted Core Strategy as '*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*'.

7.5 The supporting documentation accompanying the appeal states that the caravan is required to provide residential accommodation for a particular individual on the basis that a previous personal permission was granted on this site previously. However, that decision was taken in

1982 and was considered on different personal circumstances of a different individual therefore those circumstances can not be relied on in this case.

7.6 Since the previous named occupier passed away that caravan has since been removed and replaced. It is claimed that a residential use has been established by that permission and that a caravan has remained continuously on the site. However, the Council's view is that this is not the case. Indeed no reference was made to a caravan during the 2022 application and the subsequent appeal either in the application forms, statement or supporting case.

7.7 Moreover, this application clearly states that the previous caravan has since been replaced. Conflicting information has been submitted in the planning statement and the personal statement submitted with the planning application, and this information has not been clarified as part of this appeal.

7.8 Therefore the following is still relevant here:

1. A personal permission for a caravan on the site was approved in 1982. This was based on the personal circumstances of that particular resident;
2. The use was for a temporary period for a named occupier. This lawful use ceased when the previous occupier passed away. This is believed to have been around 1989;
3. No further planning permission for the caravan was forthcoming and there is no supporting evidence nor certificate of lawfulness to confirm that since the previous occupier's death in 1989 the caravan was then resided in for a continuous period of 10 years in breach of the 1982 permission;
4. The caravan is said to have been used sporadically by the appellant;
5. There is no established, lawful residential use on this site;
6. The caravan previously approved has since been replaced on the site;
7. The proposed occupier of the caravan does not have a known connection with the site;
8. There is no information to suggest that this site is the only, or the most suitable one, for the proposed occupier; and
9. There is no information to suggest that the proposed occupier has an identified local need or needs a property in this location.

7.9 No specific information has been provided that the proposal would meet the definition of local housing needs, nor can it be argued that the development is needed for the 'purposes of

forestry or agriculture'. As such it cannot be considered that the proposal aligns with the requirements of Local Plan Policy DMG2 in these respects.

7.10 Moreover, within areas defined as open countryside or AONB Local Plan Policy DMH3 applies, which states that residential development will be limited to:

1. Development essential for the purposes of agricultural or residential development which meets an identified local need.
2. 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 rebuilding or replacement of existing dwellings subject to the following criteria:
 - a. The residential use of the property should not have been abandoned.
 - b. There being no adverse impact on the landscape in relation to the new dwelling.
 - c. The need to extend an existing curtilage.

7.11 The protection of the open countryside and designated landscape areas from sporadic or visually harmful development is a high priority to deliver sustainable patterns of development and the overarching core strategy vision. This is reinforced in Local Plan policies DMG1 and DMG2.

7.12 As there are no footways along the highway and the adjacent public footpath is a distance of 460m to Mellor across fields this site is dependent on use of private motor vehicle for accessing essential facilities such as shopping, health services and education facilities particularly in inclement weather. As such it cannot be considered that the proposal aligns with the requirements of Local Plan Policy DMG3 nor one of the overarching objectives of the NPPF which is to secure sustainable development.

7.13 Taking into account the temporary nature of this proposal it would not be appropriate and would introduce an incongruous feature in this rural location. Therefore, the proposed development is not acceptable in terms of design and materials in this location.

8 Comments on Appellants Statement of Case

- 8.1 The appellant as part of their supporting appeal statement has submitted a revised location plan with a different red edge to that considered as part of the planning application. No reason for this has been provided.
- 8.2 Notwithstanding that a condition requiring its removal was not attached to the 1982 consent, the caravan that was subject to that permission was removed and has since been replaced.
- 8.3 A personal permission does not mean the proposal would then accord with policy DMG2(2) and policy DMH3 as the proposed occupier fails to meet the local housing need definition and even if they did, no further evidence has been submitted to support the fact that this site is the only, or most suitable, one that can accommodate such a need.
- 8.4 The bus stop located on the A59 has hourly services Monday to Saturday and services running every 2 hours on Sundays, however, this would result in walking along the highway without any footways or street lighting for a distance of approximately 210m. The bus stop is 280m away from the site.
- 8.5 At 5.3 of the supporting Planning Statement it states that the site sits within the existing curtilage and the wider site is previously developed and brownfield. The fact that the site is a former quarry and could be considered a brownfield site in part is not one of the exemption criteria in terms of policies DMG2 and DMH3 of the Ribble Valley Core Strategy 2008 – 2028.
- 8.6 The statement of case at point 6.6 states that “it is not the case, nor has it ever been, that the appellant is claiming any established or lawful use for residential purposes”. However, in light of the planning history for this site the clear intention of the previous applications was for residential use. This proposal is no different in that respect with the existing and proposed use described as residential.

9. Conclusion

- 9.1 Taking into account the above matters it is considered that the proposal does not meet the exceptional requirements to justify a personal permission, and that any benefits from allowing the development are clearly outweighed by the significant harm identified.

- 9.2 The appeal proposal would result in development outside of any settlement which does not meet any of the specific criteria set out by policy DMG2(2) and would be reliant on the private motor vehicle, resulting in an unsustainable development within the open countryside which does not meet any of the criteria for development in this location and therefore fails to accord with the development plan as well as the NPPF.
- 9.3 The appeal proposal, by virtue of its design and materials would result in an adverse visual impact and incongruous form of development which fails to reflect or acknowledge the special qualities of the area or contribute or enhance its setting resulting in inappropriate development within the open countryside to the detriment of the character, appearance and visual amenities of the area.
- 9.4 As such, and for the reasons outlined above, whilst having regard to all material matters raised, that the Inspector is respectfully requested to dismiss the appeal.