

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

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

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

APPLICATION NO: 3/2023/0739

DECISION DATE: 06 November 2024

DATE RECEIVED: 29/08/2024

APPLICANT:

Elker Developments Ltd
C/o Agent

AGENT:

Mr Alan Kinder
A V Town Planning Ltd
Unit 3 31-33 Kenyon Road
Lomeshaye
Nelson
BB9 5SP

DEVELOPMENT PROPOSED: Outline application for the development of a Class C2 Continuing Care retirement community.

AT: Land off Elker Lane Billington

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 would result in significant direct measurable conflict with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy. Particularly insofar that approval would result in a significant level of built-form encroaching into the defined open countryside, resulting in a form of development, that by virtue of its quantum, configuration, location, density and scale, would result in an anomalous, incongruous and discordant incursion into the defined open countryside, that fails to respond positively to the inherent pattern and densities of nearby development or the open-aspect character of the immediate open countryside character, being of significant measurable detriment to the character and visual amenities of the area.
- 2 The proposal is in direct significant conflict with Policy DMG2 and consequently Policy DMB1 of the Ribble Valley Core Strategy in that the approval would lead to a significant quantum of visually unsympathetic and harmful built-form in the defined open countryside, located outside of any defined settlement boundaries, without sufficient or adequate justification. Particularly insofar that the proposal is not for that of 'Local Needs Housing' nor has it been adequately demonstrated that the proposal is 'essential to the local economy or social wellbeing of the area', with the quantum of development proposed also precluding its ability to be considered as a 'small-scale use appropriate to a rural area'.

APPLICATION NO: 3/2023/0739

DECISION DATE: 06/11/2024

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- 3 By virtue of the high-degree and level of independence of those occupying the assisted living units, it is considered that the proposal would lead to an unsustainable pattern of development, in a location that does not benefit from adequate walkable access to a full complement or wide range of local services or facilities, consequently placing increased levels of reliance upon the private motor-vehicle, contrary to the aims and objectives of Policy DMG3 of the Ribble Valley Core Strategy and the NPPF which has a presumption in favour of sustainable development.

Note(s)

- 1 Applications for planning permission are assessed against the National Planning Policy Framework and the policies within the Core Strategy for the Ribble Valley. The Local Planning Authority adopts a positive and proactive manner and will consider representations, liaise with consultees, and seek amendments to proposals where appropriate within statutory timescales.
- 2 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. It was therefore not possible to approve the application.
- 3 This Decision Notice should be read in conjunction with the officer's report which is available to view on the website.

Nicola Hopkins

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

Notes

Right of Appeal

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If it is a householder appeal it can be made online at: <https://www.gov.uk/appeal-householder-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the

APPLICATION NO: 3/2023/0739

DECISION DATE: 06/11/2024

conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

Purchase Notices

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.