



Appeal Decision

Hearing Held on 14 August 2024

Site visit made on 14 August 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2024

Appeal Ref: APP/T2350/W/24/3340488

Melrose, 2 Goosebutts Lane, Clitheroe, Lancashire BB7 1JT

- 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 Mrs Fox against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2023/0778, dated 10 September 2023, was refused by notice dated 1 December 2023.
 - The development proposed is change of use from residential to holiday let.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from residential to holiday let at Melrose, 2 Goosebutts Lane, Clitheroe, Lancashire BB7 1JT in accordance with the terms of application 3/2023/0778, dated 10 September 2023 and subject to the following conditions:
 - 1) Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:
 - Location Plan
 - Floorplans (Change of use dwelling to Holiday Cottage)
 - 2) Before the next occupation of the approved holiday let, the north western and south western boundaries of the property that adjoin Nos 58 Pendle Road and 4 Goosebutts Lane shall be fitted with a close-boarded wooden fence along its full length to a height of two metres from ground level and shall be retained and maintained in perpetuity.

Application for costs

2. At the Hearing an application for costs was made by Mrs Fox against Ribble Valley Borough Council. This application will be the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character of the area and the living conditions of adjacent residents.

Reasons

4. Melrose is a brick built single storey property in an area of predominately residential development on the outskirts of Clitheroe. I understand from

evidence presented at the hearing that it was built as a two-bedroomed property many years ago and prior to the appellants family ownership two additional bedrooms were created in the roofspace to create a four bedroomed property.

5. The appeal proposal seeks to utilise the property as a holiday let which would not involve any external changes to the dwelling. Vehicle parking would be from a driveway to the front of the property. There is a small rear yard, and two small garden areas that are not conducive to use for social gathering.
6. While there would be no increase in bedrooms, the property would accommodate 6 people, the size of the bedrooms limiting occupation. For this reason, due to the property being located outside of Clitheroe town centre in a predominately residential area, and tourism attractions being a vehicle journey away, the proposed holiday let is unlikely to be attractive to larger groups and more attractive to families.
7. The holiday let would not be subject to significant restrictions. It would be managed by an external business for bookings and whilst the appellant may strive to ensure that there would be minimal disturbance to neighbours, and measures could be put in place to manage the frequency and type of occupants for the holiday let, I find that the occupation for such a use is likely to be more transient than for a family dwelling and could result in increased activity.
8. There is also no guarantee that holiday let occupants would be quiet. There is a small rear yard, which the appellants have stated will not be furnished with any form of patio furniture, but part of my reasoning for the fencing condition is to ensure privacy for all parties is protected as much as possible. The effect of any increased activity upon adjacent residents would be intensified by their proximity to the appeal site. The submission of a management scheme to control these issues would not be enforceable were it to be breached.
9. However, it is also true that the potential for noise and disturbance would exist from family housing. Given the number of bedrooms the appeal property could also accommodate a reasonably large family consisting of adults, children and teenagers. Such a family unit could generate considerable activity in the form of comings and goings for work, school, leisure activities and shopping at various times of the day and night.
10. Furthermore, I noted during my site visit that there is a general level of activity from pedestrians in the area, and Pendle Road itself appeared to be well trafficked. Consequently, the level of noise and disturbance on a daily basis from such comings and goings would be unlikely to be noticeable to local residents and part of daily life.
11. Given the potential levels of occupation from the holiday let, I find that any increased intensity would be unlikely to make a material difference to the levels of noise and disturbance that were to be experienced by neighbouring residents as a result of the proposal. In coming to this view, I have taken into account that the Council's environmental health officer has not raised any objections to the proposal in terms of noise and there is no substantive evidence before me to indicate that the proposal would introduce or exacerbate noise and disturbance at the property.

12. On this basis, I am satisfied that the development would not cause unacceptable harm to the living conditions of neighbouring occupiers or the character of the area. In this regard, the development would be consistent with Policy DMG1 of the Ribble Valley Core Strategy (2014) which expects development not to adversely affect the amenities of the surrounding area. I also do not find conflict with the amenity advice set out in the National Planning Policy Framework.

Other Matters

13. Both parties produced other decisions as evidence to bolster their respective positions. However, whilst I could understand the reasoning, I have no context in terms of specific site details or their relevance to attach any weight to these arguments.
14. I have also noted the comments of the adjacent resident with regard to a previous incident with a dog jumping the existing wall. I consider that the condition regarding the boundary fencing should address the issue as far as is reasonable.

Conditions

15. As it would appear from the discussions at the hearing, the proposed use has commenced on an informal, limited basis, The Council asked for a single condition to confirm the approved plans, in the interests of good planning.
16. At the site visit, I considered that were I to allow the appeal, the rear yard area should be screened by a 2m close-boarded fence in order to protect the privacy of adjacent residents. Both parties were in agreement to that condition in terms of its suitability.

Conclusion

17. For the reasons given above I conclude that the proposal does not conflict with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it.
18. The appeal should therefore be allowed, and planning permission granted.

Paul Cooper

INSPECTOR