

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: 3/2023/0865

DECISION DATE: 13 March 2024

DATE RECEIVED: 05/01/2024

APPLICANT:

Mr J Kelsall
Kelsall Farm
Commons Lane
Balderstone
Blackburn
BB2 7LN

AGENT:

Mr Paul Lomax
Newhey Buildings and Design
The Hollies
Earnsdale Road
Darwen
BB3 1JA

DEVELOPMENT PROPOSED: Erection of one new self-build dwelling with associated residential curtilage.

AT: Land adjacent to Pewter House Farm Commons Lane Balderstone BB2 7LN

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 location of the development, outside of a defined settlement boundary, would result in a new build dwelling within the countryside, and in an unsustainable location whereby future occupants would be reliant on private motor vehicles to access services and facilities. There is no evidence provided as to why the proposal meets any of the exception criteria to allowing a new dwelling in this location. As such the proposal is contrary to the aims and objectives of Key Statements DS1, DS2 and DMI2 and Policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy and paragraph 116 of the National Planning Policy Framework.
- 2 The proposal would result in an intensification of use of an access which lacks the adequate visibility deemed safe and suitable for such a proposal. It would also result in an intensification of use of an access track which lacks the inadequate width with a lack of passing places deemed safe and suitable. As such the development would be to the detriment of highway safety contrary to Policy DMG3 of the Ribble Valley Core Strategy and paragraph 115 of the National Planning Policy Framework.

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- 3 The proposed siting of the dwelling and its curtilage would result in an urbanising impact on the open and rural character of the site, and together with the proposed design of the dwelling which is considered to be poor and not in keeping with nearby built form, would result in an incongruous development in this rural location to the detriment of visual amenity. This is contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and paragraph 135 of the National Planning Policy Framework.
- 4 The application fails to demonstrate that the development would not result in an unacceptable harm on protected species and existing trees within the site, and adjacent to it, by virtue of the demolition of an existing building and removal of existing trees that would be necessary to facilitate access to the site. In particular no ecology survey or arboricultural survey accompanies the application and so it is not possible to understand the impact and to consider appropriate compensation/mitigation/enhancement. This is contrary to Policies DME1 and DME3 of the Ribble Valley Core Strategy as well as the National Planning Policy Framework.

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

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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 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.