

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

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

Telephone: 01200 425111 [www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk) [planning@ribblevalley.gov.uk](mailto:planning@ribblevalley.gov.uk)

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Town and Country Planning Act 1990

**REFUSAL OF PLANNING PERMISSION**

**APPLICATION NO:** 3/2024/0464

**DECISION DATE:** 05 February 2025

**DATE RECEIVED:** 24/08/2024

**APPLICANT:**

Mr Mark Doney  
Arkenstone Developments  
36 York Street  
Clitheroe  
BB7 2DL

**AGENT:**

Mr John Summers  
JSA  
6 Acrefield  
Padiham  
Burnley  
BB12 8HN

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**DEVELOPMENT PROPOSED:** Proposed two-storey detached dwelling with integral garage, parking and landscaping. To include widening of existing vehicular access to the existing electricity substation to provide access to the new dwelling.

**AT:** Land opposite Rake Bottom George Lane Read BB12 7RD

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 lead to the creation of a new residential dwelling within designated open countryside, outside of a defined settlement, without sufficient justification insofar that it has not been adequately demonstrated that the proposal would meet any of the exception criteria including meeting a local housing need or providing regeneration benefits. The proposal therefore fails to accord with Key Statement DS1 and DS2 and policies DMG2 and DMH3 of the Ribble Valley Core Strategy 2008 – 2028.
- 2 The proposal would result in a large, dominant structure sited within protected woodland (TPO no. 3/19/3/209) and would result in a substantial loss of trees to accommodate the proposed dwellinghouse and subsequent changes in land levels and built form resulting in an adverse impact on the protected trees. This is contrary to Policies DME1 and DME2 of the Ribble Valley Core Strategy 2008 – 2028.
- 3 The proposal would result in a large, dominant, dwellinghouse sited on land much higher than, and in close proximity to, existing residential properties, resulting in an unacceptable impact on the residential amenity of neighbouring dwellings sited opposite (to the south) known as Rake Bottom. This is contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.

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REFUSAL OF PLANNING PERMISSION CONTINUED**

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- 4 The proposal would result in a large, dominant structure sited on higher land in a prominent location, and of a design which fails to be sympathetic to its immediate surroundings, resulting in an adverse impact on the character and visual amenities of the area. This is contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy 2008 – 2028.
- 5 The application has failed to demonstrate that a safe and suitable access can be provided to serve the proposed dwellinghouse, contrary to Key Statement DM12 and Policies DMG1 and DMG3 and of the Ribble Valley Core Strategy 2008 – 2028 and Paragraph 115 of the National Planning Policy Framework.
- 6 The applicant has failed to demonstrate that the development would deliver the mandatory biodiversity net gain requirement, in terms of tree/woodland losses, impact on ecology within the site and any appropriate compensation being achieved, contrary to the Environment Act 2021, Policies DME1 and DME3 of the Ribble Valley Core Strategy 2008 – 2028 and Paragraph 180 of 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.

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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 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.