

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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COMMENTS ON APPELLANT'S STATEMENT

TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/25/3364202
LPA Application Reference:	3/2024/0642

Appeal by Lakeside Collection Limited (trading as Lavender Hotels)
Against the refusal by
Ribble Valley Borough Council to grant planning permission for:

**Retention of two unauthorised sheds with decking and fencing containing hot tubs in garden area
to front of hotel.**

Higher Trapp Hotel Trapp Lane Simonstone BB12 7QW

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

Comments on Appellants Statement of Case

- 1.1 The appeal site is rural in nature and located within Open Countryside. The planning history is a matter of fact and the approval of previous extensions and alterations at this site does not give rise to any indication of the outcome of future applications.
- 1.2 The appellant has suggested that the structures would increase the tourism offerings at the Hotel and that the structures would be removed from the site around the end of October and then reinstated in spring (around April) each year with the exact dates being weather dependant; therefore, the appellant's view is that any impact would be temporary. However, whilst the site has large, extensive grounds there are protected trees within the site, and the removal and reinstatement twice annually would result in potential harm to the root protection area of the trees within this location and therefore this is not considered to be a benefit for the proposed scheme. Indeed, it is more likely to result in potential harm to the protected trees and hedgerows than leaving the structures in place all year round. In any event the structures being in situ for over 7 months of the year, every year, would not result in a temporary use.
- 1.3 The overall design of the hot tub facilities is poor and does not relate well to the existing hotel and grounds in terms of quality of materials. The hotel is a public venue with the main building sited on a raised plateau overlooking the terraced gardens to the south with a raised terrace area which serves the public ground floor rooms including the restaurant, bar areas and function rooms. There also are private views from the adjacent residential units to the northwest which are sited on higher ground, albeit these are limited. The implication that any "temporary" structures should be permitted in any location which are of a poor quality and design is not accepted in terms of local and national policy. The fact that this development is within a publicly accessible setting within the open countryside compounds this harm. The ease of removal and storage is not a material planning consideration and due to potential impacts on the protected trees, removal and reinstatement in this location is not something that the LPA would advocate in indeed require. Hence if the structures were found to be acceptable then they should be erected and remain in place in order to avoid any unnecessary works within the Root Protection Areas.

- 1.4 Householder development clearly differs from that of a commercial development and in any respect Article 4 Directions should only be used in special circumstances where an increase in public protection is required this would usually apply in conservation area or areas which have benefited from heritage funded programmes in order to control future works which could threaten characters of acknowledged importance.
- 1.5 Reference has been made to an appeal decision at the adjacent White Hill Stud (APP/T2350/W/24/3340325) this site is located to the immediate west of the site, this appeal was for a stable building that had been erected in conjunction with the existing equestrian facilities at the Stud. Whilst landscape impact was considered as part of that appeal the issues raised are not directly relevant and each application is considered on its own merits.
- 1.6 There are existing outbuildings within the grounds of the Hotel, however, the annexe closest to the site is a two-storey building of solid construction, whilst the existing pergola is an open timber features neither of which directly relate to those erected here. The presence of other buildings/structures within the site does not warrant an approval for any further development.
- 1.7 The Appellant has made presumptions regarding consultation with the Council's Countryside Officer, who is a qualified Arboriculturist, and visited the site during the Application process and discussed the work already carried out on the site with the Appellant's representatives on the site and due to the lack of information provided on the potential impact on the protected trees and hedgerows requested that an Arbicultural Impact Assessment be submitted. Following these discussions the Countryside Officer provided internal comments to the case officer (attached Appendix one) these were included in the officers report and subsequently concluded that as the electricity cable trench had already being dug within the root protection area of Tree T3, that any resultant harm to the tree roots would have already been done at that time and an additional reason for refusal on impact on the trees was not warranted in this case.
- 1.8 With regards to permitted development rights it is correct that none have been removed from this commercial enterprise, however, those elements that could have been considered to permitted development were not included on the original plans and were added during the application process. Indeed, the original submitted plans did not include the fencing and artificial grass seating areas which were added to plan number C-0533-40 Revision B and submitted during the course of application. The revised plan shows that the timber balustrade

is attached to the decking and steps with the fencing attached to the sides of the shed which house the hot tubs/changing facilities and would therefore be read in conjunction with the structures and not a separate fence/enclosure.

- 1.9 In terms of appropriate conditions these have been based on the findings above and are suggested, without prejudice, if the Planning Inspector is minded to allow this appeal.