

Land adjacent to 4a Wiswell Lane, Whalley, BB7 9AF

Retrospective planning application for the retention of a single dwelling house and associated parking, soft and hard landscaping and associated works

PLANNING STATEMENT (inc. DESIGN AND ACCESS STATEMENT)
October 2024

REPORT CONTROL



| | |
|----------------------|--------------------------|
| Document type | Planning Statement |
| Project | 4a Wiswell Lane, Whalley |
| Client | John Atherton |
| Job Number | 24-1930 |

Document Checking

| | |
|-----------------------|---------------|
| Primary Author | Edward James |
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| Reviewer | Daniel Hughes |

Revision Status

| Issue | Date |
|------------------|-------------|
| Draft [REDACTED] | 30/08/2024 |
| [REDACTED] | [REDACTED] |
| | |
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/1 INTRODUCTION

- 1.1. PWA Planning is retained by John Atherton ('the Applicant') to progress a retrospective planning application for the retention of a single dwelling house and associated parking, soft and hard landscaping and associated works ('the proposed development') at Land adjacent to 4a Wiswell Lane, Whalley, BB7 9AF ('the application site'). The application is made to Ribble Valley Borough Council ('the Local Planning Authority') (LPA) and relates to the red edge application site boundary defined in the submitted Location Plan (Rev C - 03.10.2024).
- 1.2. Following a review of the site context and history, this Planning Statement will demonstrate that the proposals accord with the LPA's Development Plan, and moreover, there are other material considerations which indicate that full planning permission ought to be granted.
- 1.3. This statement should be read in conjunction with the submitted application package, which includes the following documents:
 - 1 APP Form, [REDACTED]
 - Existing and Proposed Site Plan (Ref: 6180-E01 Rev [REDACTED])
 - Existing and Proposed Plans and Elevations (Ref: 6180-E02 Rev D)
 - Planning Statement (this document)
 - Transport Scoping Note
- 1.4. The submitted documents are sufficient for the validation of the application. However, should the LPA deem any further information necessary to ensure the grant of consent, it is requested that PWA Planning ('the Agent') are contacted in the first instance.



Clitheroe town centre. Both these settlements have train stations connecting them to the larger towns of Blackburn and Burnley and the cities of Preston and Manchester.

- 2.4. The site is not located within a Conservation Area, nor are there any statutory or locally listed buildings located within or adjacent to the site.
- 2.5. There are no ecological constraints associated with the site itself. The site is not within an area identified by the Environment Agency's flood risk map as being subject to flooding; located wholly within Flood Zone 1.

Planning History

- 2.6. Following a review of the LPA's online Planning search tool, it is considered that the below planning records are relevant to the site:

4 Wiswell Lane

- **3/2006/0570** - Creation of attached granny annex accommodation and slight adjustment [REDACTED]
[REDACTED] (upancy) of planning permission 3/2006/0570P to allow greater flexibility [REDACTED]. (Approved March 2013)
- **3/2017/0556** - Application for a lawful development certificate to cover for a change of use of land to residential use. (Approved September 2017)
- **3/2017/1159** - Erection of a rear single-storey garden room extension and dormer window loft conversion with new front porch and dormer windows. (Approved January 2018)

4a Wiswell Lane

- **3/2018/0028** - Proposed alterations and extension to existing property and erection of a detached garage. Erection of two four-bed detached dwellings with detached double garages. (Withdrawn) [REDACTED]
- **3/2018/1017** - Proposed alterations and extension to existing property and erection of a detached garage. Erection of two four-bed detached dwellings with detached double garages. Resubmission of planning application 3/2018/0028. (Refused February 2019) [REDACTED]
- **3/2020/0006** - Proposed extension and erection of new single storey dwelling to replace existing residential caravan. (Approved March 2020)



- **3/2020/1044** - Proposed extension and erection of new single storey dwelling to replace existing residential caravan. (Withdrawn)

4b Wiswell Lane

- **3/2021/0991** - Revisions to the proposed single storey dwelling of the previously approved application (3/2020/0006), amendments include roof overhang to south facing terrace/walkway and west facing patio. Internal reconfigurations, inclusion of study, amendment to entrance lobby, additional rooflight to living room, solar panels located on the roof and inclusion of air source heat recovery system. The application boundary has been revised to exclude the existing bungalow. The proposal also includes the construction of one double garage (Approved November 2021)
- **3/2023/0180** - Erection of single storey dwelling with solar panels on the roof and air source heat system together with landscaped (patio) areas (amendments to planning permission 3/2021/0991). (Refused May 2023)

Applicant's Contextual Statement

- 2.7. The Applicant had [REDACTED] [REDACTED] had been an annexe to the main house but was now used as a separate dwelling [REDACTED] This was initially going to be a temporary arrangement whilst they obtained planning consent for new dwellings in the land associated with 4 Wiswell Lane.
- 2.8. As set out above, there were a number of planning applications submitted relating to the increase in dwellings on the site. Nevertheless, in March 2020, permission (Ref: 3/2020/0006) was granted for an extension to 4a Wiswell Lane (approved originally within 3/2006/0570) and a new single storey dwelling on the land to the southwest.
- 2.9. Before and at the time of the above approval, [REDACTED] and to ensure that he could be around [REDACTED] the Applicant decided to build a new annex in the form of a mobile home. This is the building that this application relates to.
- 2.10. Construction of the building began in March 2020 and the majority of the external appearance was completed in June 2020. [REDACTED] [REDACTED] and this therefore changed the initial reasons for the structure. Following this, it was decided that other family members would move into 4a Wiswell Lane, whilst the Applicant would use the new annex as living accommodation. It was also decided that the



area of land which included the new dwelling would be sold off (now known as 4b Wiswell Lane). It should be noted that the applications above relating to 4b Wiswell Lane were not submitted by the Applicant.

2.11. As set out above, it was the Applicant's understanding that the building as now built was a temporary annex mobile home and therefore did not require planning permission. Nevertheless, since the building was complete, there were a number of neighbour complaints, and the Applicant had ongoing discussions with the LPA's Enforcement Officer regarding the building.

2.12. Following the above, a pre-application request was submitted to the LPA (Ref: RV/2020/ENQ/00108) in October 2020, with the response received on in January 2021. It was the LPA's view that the building required consent. Following this, the Applicant kept in correspondence with the LPA, and it was constructively agreed a planning application should be submitted to regularise the development.

[REDACTED]

[REDACTED]

[REDACTED]



/3 PROPOSED DEVELOPMENT (DESIGN AND ACCESS STATEMENT)

- 3.1. This application seeks retrospective planning permission for the retention of a single dwelling house and associated parking, soft and hard landscaping on the land adjacent to 4a Wiswell Lane. As set out above, the Applicant has lived within the building for 4 years and wishes to stay on the site adjacent to other family members.
- 3.2. The dwelling as now built out has a scandic appearance and is constructed predominantly from a high-quality timber, with a black corrugated metal roof. The glazed windows and doors are surrounded by black UPVC. Overall, the building has the following dimensions:
- Length: 14.7m
 - Width: 6.2m
 - Height to eaves: 2.9m
 - Height to Roof ridge: 4.3m
 - Total Gross Internal Area in sqm: 91.1sqm
- 3.3. Internally, the floorplan comprises an open plan kitchen and living area, two bedrooms and 1 bathroom and a study. The living area opens up onto the external decked area which includes seating and areas to socialise. Directly to the east of the site lies a small pond which has been created by the applicant and acts both as a visually appealing feature and an attractor of biodiversity. Areas of soft landscaping grassland sit adjacent to the seating area and pond. Two parking spaces are located to the east of the building, with an existing access to the west joining onto Wiswell Lane.



Figure 2 – Site photograph of the dwelling



/4 PLANNING POLICY CONTEXT

- 4.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2. The Development Plan, insofar as it is relevant to the application site, comprises the Core Strategy 2008-2028 A Local Plan for Ribble Valley (adopted 2014); Ribble Valley Proposals Map (adopted 2019) and the Housing and Economic Development – Development Plan Document (adopted 2019). The LPA are currently undergoing a Local Plan Review and have undertaken their Regulation 18 - Strategic Matters Consultation in 2022. It is unclear on timescales for the next stage of the plan preparation.
- 4.3. Figure 3 is an extract from the Local Plan Policies Map showing the site's location with a red dot. As can be seen from the below the sites only designation (black line) is within the Settlement Boundary of Whalley.

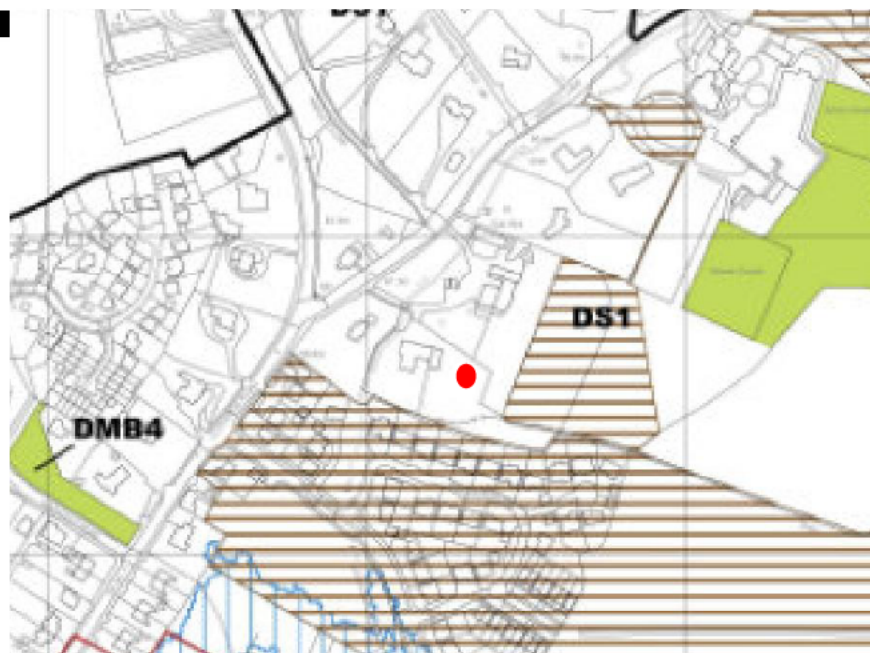


Figure 3 – Extract from LPA proposals map

- 4.4. The below policies are relevant to the development within this planning application:



- Core Strategy Key Statement DS1 – Development Strategy
- Core Strategy Key Statement DMI2 – Transport Considerations
- Core Strategy Policy DMG1 – General Considerations
- Core Strategy Policy DMG2 – Strategic Considerations
- Core Strategy Policy DMG3 – Transport and Mobility
- Core Strategy Policy DMH5 – Residential and Curtilage Extensions

4.5. All the above policies will be considered as part of the Planning Policy Assessment in Section 5.

4.6. Further to the planning policies above, a key material consideration in this case is Section 191 of the Town and Country Planning Act 1990 ('the Act'), relating to certificates of lawfulness of existing use or development. In this respect, the proposed building has been in occupation since June 2020, and therefore passes the existing 'lawful' development test. It is noted that as a result of changes to the Levelling-up and Regeneration Act 2023 in April 2024, that an existing use now need to demonstrate a 10-year existing lawful use, However, if works [REDACTED] [REDACTED] respective full planning application be submitted, however the Applicant also has [REDACTED] option of submitting an existing lawful development certificate, which from our understanding would be approved. This is therefore a critical material consideration in this respect.

4.7. Other material considerations include the National Planning Policy Framework (NPPF) 2023. The NPPF sets out the Government's planning policies for England and how these should be applied. The Framework sets out the Government's presumption in favour of sustainable development (Paragraph 11) whereby developments which correctly balance the requirements of economic, social and environmental issues should be granted planning permission unless there are strong reasons that [REDACTED]



/5 PLANNING POLICY ASSESSMENT

Principle of Development

- 5.1. The application site is located within the settlement boundary of Whalley. Key Statement DS1 relates to development strategy and states that the majority of new housing development will be concentrated within a strategic site (adjacent to the A59) and also the principal settlement of Clitheroe, Longridge and Whalley. Whilst it is noted that the building has already been built and is currently lived within, the site's location within the settlement boundary is an area that is preferable for housing and therefore the proposals within this retrospective application comply with Key Statement DS1. The same conclusion was drawn within the approval on the site for the new dwelling (Ref: 3/2020/006).
- 5.2. Further to the above, Policy DMG2 relates to strategic considerations and states, *"development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the tier 1 villages should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement"*. [REDACTED]
- 5.3. It has been clarified above that the site is located within [REDACTED]'s principal settlement, however it is also considered that given the site's location within land adjacent to existing built form, the proposal is closely related to the main built-up areas. Its single-storey scale and sympathetic materials are also in-keeping with the existing settlement.
- 5.4. Policy DMH5 concerns residential and curtilage extensions. As set out within the Applicant's Contextual Statement, the applicant had originally built the building to be an annex to the main dwelling house at 4a Wiswell Lane. Following the family's bereavement, the circumstances changed, and the building was no longer required for this purpose. After correspondence with the LPA, it was decided that [REDACTED] would be to submit a full planning application to [REDACTED] to regularise the dwelling as a self-contained single dwelling. Therefore, the proposals within this application do not seek to extend (create an annex) the existing property at 4a, nor does it intend to propose an extension to the curtilage of this property. Once regularised, the dwelling will have its own residential curtilage and sit alongside those of 4a and 4b. [REDACTED]



5.5. It is also pertinent to note that all of the land adjacent to no.4a Wiswell was included within a certificate of lawfulness approval in 2017 (Ref:3/2017/0556). This confirmed the land as being in residential use for a period of 10 years or more. There has been no break in this residential use since this application and therefore the site has a solely residential use. We also refer back to Section 4 above relating to material considerations, and that the building has been occupied for a residential use for over 4 years and therefore comprises existing lawful development. In this respect, a certificate of lawfulness could be submitted and from our understanding approved.

5.6. As set out previously within this statement, the Applicant has lived within the dwelling for 4 years and wishes to stay on the site adjacent to other family members. Given the location of the site within the settlement boundary and the buildings respectable scale and massing in relation to its context, the principle of development is considered to be acceptable and therefore compliant with Key Statement DS1, Policy DMG2 and the NPPF.

Design

5.7. [REDACTED] on design. The policy states, in determining planning application all development [REDACTED]

1. be of a high standard of building;
2. be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.
3. consider the density, layout and relationship between buildings, which is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.
4. use sustainable construction techniques where possible and provide evidence that energy efficiency, as described within policy dme5, has been incorporated into schemes where possible.
5. the code for sustainable homes and lifetime homes, or any subsequent nationally recognised equivalent standards, should be incorporated into schemes [REDACTED]

5.8. [REDACTED] As set in Section 3 of this statement, the dwelling is predominantly built from a high-quality timber materiality, with a robust black corrugated metal roof and black UPVC glazed



windows and doors. These materials are considered to be of a high standard, which is demonstrated by the longevity of the use of the building to date.

- 5.9. The surrounding uses are all residential, and therefore the dwelling sits comfortably within this context in usage terms. Furthermore, the size of the single-storey dwelling has a modest footprint (91sqm) and scale, resting below the two storey dwellings to the east, south and north. The dwelling also ties in with the smaller buildings at 4, 4a and 4b (under construction) and therefore does not look out of place within its immediate setting.



Figure 4 – Site Photograph of the dwelling

- 5.10. In terms of intensity, it is noted that construction at 4b Wiswell Lane has begun, however it is unclear when this will be complete. Nevertheless, for the purposes of this application it is anticipated that this dwelling will be fully built in the future. In this case there will be two single-storey dwellings which occupy this plot of land to the east of 4a Wiswell Lane. The applicants dwelling is of a modest footprint (91sqm) and together with the reasonable footprint of the approved dwelling at 4b, it is considered that there remains a sufficient amount of undeveloped land to the south and west of the applicants dwelling to ensure that the immediate context does not feel overdeveloped.

- 5.11. Although it is noted that the predominant timber materiality is not one which is found within the surrounding context (mostly brick and stone), it is pertinent to refer to the most recent



planning permission at 4b Wiswell Lane (Ref: 3/2021/0991). In this respect, the LPA approved a building which also had timber materiality on all the external elevations. The LPA was therefore content with approving the timber materiality for this application and there is no reason to suggest that the material would be unacceptable in this case.

- 5.12. As set out above, the density of development within the immediate context is considered to be acceptable. Moreover, the layout and relationship with the existing buildings and their gardens is appropriate and does not in our opinion present any issues. The closest building is 4a Wiswell Lane (17m to the west) and relates to the western single storey extension of this building. Given the orientation of the Applicant's dwelling and distance from this property, it is not considered to have an inappropriate relationship with this built form. Furthermore, the vegetation and fence screening along the garden boundary of 4a, provides further separation between the two buildings. To the southeast (18m) of the building (once fully constructed) will lie no. 4b. Again, due to the orientation and distance, the relationship with this property is considered to be acceptable. The approved plans for no.4b also include timber gates to the front of the dwelling which will provide further separation.
- 5.13. The building also sits adjacent to residential gardens to the north and east. Nevertheless, due to the single storey nature of the building, the boundary fencing and the vegetation on these boundaries, the dwelling does not result in any issues with the enjoyment of these gardens from an amenity perspective. The single storey nature and timber materiality also allows the building to sit comfortably within the landscape. This is coupled with the Applicant's soft landscaping features that surround the building, softening the buildings appearance within the site.
- 5.14. In respect of sustainable construction techniques, the proposal is a simple timber build which did not require a significant amount of building materials. Furthermore, the internal areas are heated internally by a clean log burner, with the water heated by an electric boiler. This is paired with the UPVC windows and doors which provide airtight insulation in winter and ventilation within the summer months. The proposed external soft landscaping (including the pond, plants, flowers and grass) also attracts biodiversity to the site.
- 5.15. The Code for Sustainable Homes has now been withdrawn (aside from the management of legacy cases) and has been replaced with building regulations relating to water and access and the new national space standard. Following a review, the dwelling complies with all the technical requirements of the national space standards.



5.16. Overall, the as built dwelling is of a high-quality design which respects the surrounding context and neighbouring properties. It is therefore compliant with Policy DMG1 and the NPPF.

Neighbouring Amenity

5.17. Policy DMG1 relates to general considerations and includes a section on amenity. In this case all development must:

1. not adversely affect the amenities of the surrounding area.
2. provide adequate day lighting and privacy distances.
3. have regard to public safety and secured by design principles.
4. consider air quality and mitigate adverse impacts where possible.

5.18. Given the single storey nature of the dwelling, the separation distances and screening elements (which relate to no.4a and 4b), it is not considered that there will any impact on overbearing or loss of light for the residential gardens to the north, and the residential properties further east and south. As the proposal relates to one small-scale dwelling of a single storey, it is not considered that Criteria 3 and 4 above are relevant.

5.19. In conclusion, in regards to neighbouring amenity, the small nature of the dwelling and existing context ensure that there will be no detrimental impacts.

Transport and Access

5.20. Policy DMI2 concerns transport considerations and states *"New development should be located to minimise the need to travel. Also it should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for travel by private car"*.

5.21. Policy DMG1 relates to general considerations. All development must:

1. consider the potential traffic and car parking implications.



2. ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.
3. consider the protection and enhancement of public rights of way and access

- 5.22. Policy DMG3 concerns transport and mobility and states that weight will be attached to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development.
- 5.23. As part of this application a Transport Note has been provided by Eddisons. This note confirms that the site can be accessed by sustainable modes of transport, including pedestrian infrastructure and bus and train services. It also confirms that the dwelling does not cause an unacceptable increase in traffic and that the surrounding highway network is safe.
- 5.24. Further to the above, the car parking standards advise that 2 spaces are required for family dwellings (2-3 bedrooms). In this respect, the dwelling includes two spaces directly to the east of the building. As shown within the Transport Note, swept path analysis demonstrates how these spaces can be accessed. As per existing, refuse collection for all the properties using the secondary access is from the entrance to Wiswell Lane and there is no reason to suggest that this should change.
- 5.25. In respect of the access to the site, this is again from the access to Wiswell Lane. Given that the dwelling has been lived in for 4 years and there haven't been any issues/accidents, this existing access arrangement is considered to be acceptable. As part of their transport note, Eddison's have provided an analysis of the access arrangement, which confirms that it would not be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF Paragraph 115).
- 5.26. Overall, the proposal is not considered to be unacceptable and is therefore compliant with Policy 1, DMG3 and the NPPF.

Biodiversity Net Gain

- 5.27. As set out on the Government's website, "*Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development*"



- 5.28. From 12 February 2024, under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development.
- 5.29. Whilst the above is now part of planning legalisation, the Government's website also confirms that biodiversity net gain does not apply to retrospective planning permissions made under section 73A.



Figure 5 – Site Photograph of the dwelling



/6 CONCLUSION

- 6.1. PWA Planning is retained by John Atherton to progress a retrospective planning application for the retention of single dwelling house and associated parking and soft and hard landscaping at Land adjacent to 4a Wiswell Lane, Whalley, BB7 9AF.

- 6.2. The proposed development is considered to constitute sustainable development, with the retention of the existing dwelling allowing the Applicant to live in close contact with members of his family. This dwelling is of a high-quality design which is sympathetic to the surrounding context and does not cause any detrimental impacts to neighbouring amenity. Furthermore, the accompanying transport note which supports the application demonstrates that the proposal is acceptable from a highways and access standpoint.

- 6.3. For the reasons identified within this Statement, it is considered that the application for the proposed development should be granted.

[REDACTED]

[REDACTED]

[REDACTED]



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