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## Appeal Decision

Site visit made on 29 July 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

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**Appeal Ref: APP/T2350/W/25/3364654**

**Highcroft, Painter Wood, Whalley Old Road, Billington, Lancashire BB7 9JD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Jan Hardman against the decision of Ribble Valley Borough Council.
  - The application Ref is 3/2024/1022.
  - The development is described as partial demolition and partial conversion of an existing 5 bedroom property and new build extension to form a 5 bedroom dwelling on the same site.
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### Decision

1. The appeal is allowed, and planning permission is granted for redevelopment of existing dwelling, including partial demolition, extensions, and landscaping with retaining walls, ornamental garden and areas of hardstanding at Highcroft, Painter Wood, Whalley Old Road, Billington, Lancashire BB7 9JD in accordance with the terms of the application, Ref 3/2024/1022 subject to the conditions in the attached schedule.

### Preliminary Matters

2. The site address has been described in different terms on the application form, decision notice and the appeal form. For clarity, I have used the address provided by the Council on its decision notice as this appears to be a more accurate reflection of the site's location.
3. The appellant's description of the proposed development is ambiguous. The plans and drawings show that the proposal does not amount to a new dwelling, but rather the substantial redevelopment of an existing dwelling. Therefore, I have amended the description of development in my formal decision as this is a more accurate and succinct description of what is proposed. The parties have been consulted over this matter and have agreed to this amended description.
4. During my site visit I observed that a number of retaining walls have been constructed within the garden of the appeal site, and there has been some recent groundworks. The application form states that the work started on 25<sup>th</sup> October 2024, but it has not yet been completed. Nevertheless, for the avoidance of doubt, I have assessed the proposal on the basis of the plans and drawings before me.

### Background and Main Issues

5. The appeal relates to an existing two storey detached dwelling known as Highcroft and is located in the Green Belt. The appeal proposal would see a substantial element of the existing dwelling demolished, the remaining elements would be

remodelled, and the dwelling would be extended, to create a contemporary five-bedroomed home with extensive areas of hard and soft landscaping and retaining walls.

6. Planning permission was previously granted for a two storey extension to the side and raising of the roof by approximately 1.5 metres<sup>1</sup>. Subsequently, planning permission was granted to raise the ridge of the approved extension by 500mm<sup>2</sup> (the approved extension). I note that the two storey extension with increased ridge height has been constructed but is not yet complete.
7. The main issue are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
  - the effect of the proposal on the character and appearance of the area;
  - the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook; and
  - If inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify the development.

## Reasons

### *Whether inappropriate development*

8. Inappropriate development is by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Key Statement EN 1 of the Core Strategy 2008 – 2028, A Local Plan for Ribble Valley, Adoption Version (Core Strategy), states that the overall extent of the Green Belt will be maintained to safeguard the surrounding countryside from inappropriate encroachment.
9. The development would result in most of the original dwelling demolished, with the retention of the more recent two storey extension, albeit altered to a more contemporary design. This would be accompanied by extensive areas of new build to form the rest of the dwelling, together with extensive areas of hard and soft landscaping.
10. Paragraph 154 of the Framework sets out that development in the Green Belt should be regarded as inappropriate, subject to a number of specific exceptions. This includes the extension and alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building, and engineering operations; provided they preserve openness and do not conflict with the purposes of including land within the Green Belt.
11. For the purposes of the Green Belt assessment, the Council raise no concerns in relation to the size of the proposed extensions to the dwelling. I note that the development would increase the floorspace of the property by around 2% and increase its volume by less than 4%. Accordingly, the Council are of the view that

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<sup>1</sup> Planning Permission Ref. 3/2019/0039

<sup>2</sup> Planning Permission Ref. 3/2021/0833

would not result in disproportionate additions over and above the size of the original dwelling.

12. The Council's sole concern in relation to Green Belt, relates to the proposed hard landscaping including the introduction of retaining walls, external terraces, an ornamental garden, alterations to the driveway and additional hard surfacing. There is no dispute that these elements of the proposal amount to engineering operations, and I agree.
13. Accordingly, I must consider the effects of the proposed engineering operations on openness, and whether the proposal conflicts with the purposes of including land within the Green Belt.
14. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt. Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume.
15. The appeal site is set into a steeply rising hillside, with open fields above the site to the southwest, and residential development along Old Whalley Road to the north. The garden of the appeal site, in keeping with other residential plots nearby, is separated from the fields above by open aspect fencing and landscaping.
16. The topographic survey, indicates that prior to the recent groundworks, the land generally adhered to the sloping contours of the hillside above. This was with the exception of a levelled area to the rear, some circulation spaces, and some modest garden features. The existing dwelling is two-storey at the front and single storey to the rear, and with the exception of the recently constructed extension, it has a relatively low-profile dual pitched roof.
17. Whilst the proposed engineering operations are extensive, the resultant development, would generally comprise low-level walling, relative to the slope of the garden and contours of the hillside, with some areas below ground level. As such, spatial openness would be maintained. The largest above ground engineered features would be the retaining walls at the front of the site. However these would be within a part of the site that is enclosed by the dwelling, low-lying ground levels and existing hedging, such that openness would be unaffected.
18. The proposed pathways, formal garden / water feature, and the garden terrace / kitchen garden would extend the amount of hard surfacing, but they would be low-level domestic-scale structures sited within the context of a well-contained existing residential garden. These operations are also proportionate to the proposed extensive areas of soft-landscaped garden. As such, openness would be preserved both visually and spatially. Furthermore, there is no proposed extension of the existing residential garden beyond its current defined boundaries, and so the surrounding countryside would be safeguarded from encroachment.
19. As a result, the proposed engineering operations would preserve the openness of the Green Belt, and it would not conflict with the purposes of including land within it. The proposal would not therefore be inappropriate development in the Green Belt. In this regard it would accord with Key Statement EN 1 of the Core Strategy, and the associated provisions of the Framework.

20. As I have found that the development is not inappropriate development in the Green Belt, it is not necessary to consider a case for very special circumstances.

*Character and appearance*

21. The street scene along Whalley Old Road has a mixed residential character of modest roadside terrace properties and large detached contemporary designed dwellings, set back from the road behind spacious gardens.
22. The proposed development would be taller with greater massing and would extend further forwards than the existing dwelling. As such, it would be more prominent within the street scene. Even so, its scale and appearance, including overtly modern features such as large, glazed areas, flat-roofs and bronze cladding would be harmonious with the adjacent row of contemporary dwellings, and would therefore contribute to the mixed residential character of Whalley Old Road.
23. As such, I conclude that the proposed development would not harm the character and appearance of the area. Accordingly, the proposal would comply with the relevant provisions of Policy DMG1 of the Core Strategy, which amongst other things, requires new development to be sympathetic to existing and proposed land uses with particular emphasis placed on visual appearance and relationship to surroundings.

*Living conditions*

24. The rear elevation of the neighbouring terrace row, comprising numbers 26 to 32 Painter Wood, face towards the appeal site. The first floor windows, those of a rear extension serving number 32 and sitting out areas, look across a grass track towards the existing dwelling. This outlook is currently restricted due to the presence of trees and a high hedgerow which form the northern boundary of the site.
25. Much of the frontage of the existing dwelling is concealed from view by this mature hedgerow and tree boundary. However, I accept that the dwelling is likely to be more visible during winter months when vegetation is reduced. At such times, the existing dwelling would appear as a large dwelling on an elevated site.
26. Nevertheless, I am satisfied that there is sufficient distance between the proposed development and that of the neighbouring terrace row to ensure that it would not adversely impinge upon the outlook of these neighbouring occupiers. Furthermore, owing to the proposed development's ground level, positioning within the plot, and the oblique angle between it and the rear of the neighbouring terrace row, the proposal would not tower above these properties in an oppressively overbearing manner.
27. For these reasons, I conclude that the proposal would not harm the living conditions of neighbouring occupiers with particular regard to outlook. Accordingly, I find no conflict with Policy DMG1 of the Core Strategy. Amongst other things the policy requires that new development must not adversely affect the amenities of the surrounding area.

**Other Matters**

28. The mandatory requirements of Biodiversity Net Gain (BNG), require developments to deliver a net biodiversity uplift of 10%. However, there are

statutory exemptions which mean that the biodiversity gain requirement does not always apply. One such exemption, as set out at Section 5 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024, is applications which involve householder development.

29. In this case, the proposed development comprises householder development as defined by Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Therefore the development is exempt from BNG requirements. Consequently, the submitted Unilateral Undertaking, which seeks to secure the development as a self-build, is of no consequence to my determination of this appeal.
30. Interested parties have raised concerns in respect of drainage. However, I am satisfied that these concerns can be addressed via an appropriately worded condition.

### **Conditions**

31. The Framework sets out that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested list of conditions on this basis and made some minor amendments where necessary to meet those tests.
32. I have attached a condition specifying the approved plans and drawings for certainty, but I have not attached a time limit for commencement as the development has already begun. I have imposed a condition requiring the submission of the full specification of materials to secure a development sympathetic to the area and the design of the building.
33. The proposal will be connected to the drainage system of the existing dwelling. Therefore I consider that the detailed condition suggested by the Council would be unnecessary and unreasonable. However, the proposal introduces land remodelling and new retaining features in a hillside location, and my attention has been drawn to surface water run-off issues. As such, I consider it necessary to impose a condition to secure a surface water drainage scheme.
34. Condition 2 is imposed to ensure that details of the materials and drainage are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the requirements before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
35. Conditions relating to construction management have been imposed in the interests of highway safety and to protect the living conditions of neighbouring occupiers.
36. It is not necessary to impose conditions requiring further details of landscaping, retaining wall structures, boundary treatments, fencing, walling and gates or windows, because adequate information is shown on the plans. Nor have I imposed conditions requiring the garage and external parking and turning areas to be kept available for the parking of vehicles. These conditions are not necessary

as the plans and drawings show that there is significant provision for parking and turning on site and there is no evidence that such a restriction is required for highway safety reasons.

37. I have not removed permitted development rights. I have not been presented with substantive evidence to demonstrate that exercising these rights that already include restrictions and limitations, would harm the character of the area or the living conditions of neighbouring occupiers. I have not imposed a condition requiring the retention of the northern boundary hedge because I have not found that this would be necessary to safeguard the living conditions of neighbouring occupiers or the character and appearance of the area. I have also not imposed a condition requiring lighting details given the residential area context, and there is no evidence before me that the proposal has the potential to harm protected species.

### **Planning Balance and Conclusion**

38. The proposed development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The proposal would not therefore represent inappropriate development in the Green Belt. The proposal would also not harm the character and appearance of the area or the living conditions of neighbouring occupiers.
39. For the above reasons, the proposal would comply with the development plan and there are no other material considerations that indicate a decision other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

*E Heron*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall be carried out in accordance with the following submitted plans and details.

Location Plan Drawing No: al(02)0001

Proposed Site Plan Drawing No: al(05)0150 Rev P03

Proposed North Elevation Drawing No: al(05)0200 Rev P02

Proposed retaining walls and screening Drawing number: al(05)0205 Rev P04

Proposed West Boundary Fence Drawing ref: al(05)0311 Rev P01

Proposed West Elevation Drawing ref: al(05)0201 Rev P02

Proposed West Elevation and Retaining Wall Drawing ref: al(05)0310 Rev P01

Proposed East Elevation Drawing ref: al(05)0203 Rev P01

Proposed South Elevation Drawing ref: al(05)0202 Rev P01

Proposed Ground Floor Plan Drawing ref: al(05)0100 Rev P01

Proposed First Floor Plan Drawing ref: al(05)0101 Rev P01



Proposed Roof Plan Drawing ref: al(05)0102 Rev P01  
Proposed Building Section Drawing ref: al(05)0300 Rev P02  
Demolition Plan East Elevation Drawing ref: al(03)0203 Rev P01  
Demolition Plan First Floor Drawing ref: al(03)0111 Rev P01  
Demolition Plan Ground Floor Drawing ref: al(03)0110 Rev P01  
Demolition Plan Existing North Elevation Drawing ref: al(03)0200 Rev P01  
Demolition Plan Roof Drawing ref: al(03)0113 Rev P01  
Demolition Plan Second Floor Drawing ref: al(03)0112 Rev P01  
Demolition Plan Existing South Elevation Drawing ref: al(03)0202 Rev P01  
Demolition Plan Existing West Elevation Drawing ref: al(03)0201 Rev P01

2. The development hereby permitted shall be demolished to ground level and the materials resulting from the demolition shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

i) Within 3 months of the date of this decision a scheme including:

- a) full specifications of materials to be used on all external surfaces of the development hereby permitted; and
- b) a detailed surface water drainage scheme

(hereafter referred to as the 'site development scheme') shall have been submitted for the written approval of the local planning authority along with a timetable for its implementation.

ii) If within **11** months of the date of this decision the local planning authority refuse to approve the site development scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.

iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

3. Construction deliveries to and from the site and construction works, shall be restricted to between 0800 and 1800hrs Monday to Friday, 0900 to 1300hrs on Saturdays, and shall not take place on Sundays and Bank Holidays.
4. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway.