

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	BT	Date:	4/6/26	Manager:	LH	Date:	5/6/26
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Application Ref:	3/2025/0970			 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	31/10/24	Site Notice:	18/2/26	
Officer:	BT			
DELEGATED ITEM FILE REPORT:				REFUSAL

Development Description:	Retrospective planning application to continue use of single storey restaurant building, outdoor seating area, play area and vehicle parking area.
Site Address/Location:	Gazegill Organic Farm, Lower Gazegill Farm, Cross Hill Lane, Rimington, BB7 4EE.

CONSULTATIONS:	Parish/Town Council
Rimington and Middop Parish Council:	No objections to the proposal. Queries raised with regards to opening hours, access arrangements and the scope of use for the development.

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	No objections subject to conditions.
LCC PROW:	Consulted 13/2/26 – no response received.
Environment Agency:	Consulted 13/2/26 – no response received.
RVBC Environmental Health:	No objections.
CONSULTATIONS:	Additional Representations.
None.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

Key Statement DS1: Development Strategy
 Key Statement DS2: Sustainable Development
 Key Statement EN4: Biodiversity and Geodiversity
 Key Statement EC1: Business and Employment Development
 Key statement EC3: Visitor Economy
 Key Statement DMI2: Transport Considerations
 Policy DMG1: General Considerations
 Policy DMG2: Strategic Considerations
 Policy DMG3: Transport & Mobility
 Policy DME6: Water Management
 Policy DMB1: Supporting Business Growth and the Local Economy
 Policy DMB5: Footpaths and Bridleways

National Planning Policy Framework (NPPF)

Relevant Planning History:

3/2026/0284:

Prior notification for the erection of two agricultural buildings for the storage of machinery ,equipment and agricultural materials (Permission Not Required)

3/2024/0213:

Regularisation of Restaurant and Car Park (Refused)

3/2019/0309:

Application for the over roofing of a cattle gathering access to prevent diffused pollution (Permission Not Required)

3/2019/0033:

Over-roofing of a weeping wall muck midden to prevent pollution (Permission Not Required)

3/2019/0032:

Over-roofing of a cattle-gathering yard to prevent rainwater mixing with cattle waste - to prevent diffused pollution (Permission Not Required)

3/2018/0700:

Erection of a new farm butchery with two holiday lets on the first floor (Approved)

3/2016/1159:

Erection of a farm tea room and car park on agricultural land (Approved)

3/2013/0957:

Erection of a cow shed with feed barrier roof oversail (Approved)

3/2012/0954:

Erection of 1no. 20kW Wind turbine with a tip height of 27.1m and all associated works (Approved)

3/2008/0059:

Conversion of barn/shed into cutting room (Approved)

3/2008/0052:

Conversion of barn into farm stay accommodation with full disabled facilities, for school groups (Approved)

3/2004/0916:

Conversion to provide disabled persons holiday accommodation (Approved)

3/2000/0361:

Agricultural Building Extension (Approved)

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application site comprises a farmstead situated on the Eastern outskirts of Rimington. Access to the site is from the West via Dancer Lane which is unadopted road which also serves as Public Right Of Way

FP0336017. The Eastern half of the application site comprises an adjoined farmhouse and barn, farm shop and numerous agricultural buildings. A vehicle parking area and single storey building with outdoor seating occupy the Western half of the application site and these form the subject of this application. The wider area comprises a mixture of woodland, agricultural land and open countryside.

Proposed Development for which consent is sought:

Planning application 3/2016/1159 granted consent for the construction of a farm tea room and vehicle parking area. A restrictive condition was imposed on application 3/2016 1159 requiring the tea room building to be solely used as a café / tea room and for no other purpose, with an additional condition imposed to restrict business hours for the tea room. A single storey building has since been constructed on site in the approved location for the aforementioned tea room (appears to have been constructed somewhere between April 2020 and July 2022) however the constructed building differs slightly from the approved building with respect to its fenestration and roof profile and this building is currently in use as a restaurant with opening hours which differ to those approved under application 3/2016/1159. An outdoor seating area has been constructed to the South of the unauthorised single storey building (no outdoor seating area was proposed as part of the development approved under application 3/2016/1159) in addition to an extension to the site's existing hardstanding area to serve as an extended parking area for the restaurant. This parking area has not been constructed in accordance with the vehicle parking area approved for the tea room under application 3/2016/1159 (the approved vehicle parking area was to be sited to the South of the tea room building, whilst the unauthorised parking area adjoins the Eastern side of the unauthorised outdoor seating area). Four single storey cabin buildings have also been placed within the site to the North of the unauthorised restaurant building. As such, retrospective planning consent is sought for the vehicle parking area, restaurant building, outdoor seating area, cabin buildings and use as a restaurant establishment.

Principle of Development:

Policy DMB1 of the Ribble Valley Core Strategy seeks to support business growth and the local economy in principle on the basis of the development in question being compatible with the other Development Management Policies of the Core Strategy, with the relevant policies in this instance being Key Statements EC1, EC3 and Policies DMG2 and DMG3.

Having regard to Key Statement EC3, this states:

'Proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged, including the creation of new accommodation and tourism facilities through the conversion of existing buildings or associated with existing attractions.'

In this instance, the proposal seeks to retain a high-end restaurant business which to date appears to have been a successful venture in terms of its popularity with customers and presence within the local hospitality sector and further afield. As such, retention of the unauthorised development would deliver benefits to the visitor economy of the Borough which in turn would be in alignment with the aims and objectives of Key Statement EC3.

Turning to Key Statement EC1, this states:

'Developments that contribute to farm diversification, strengthening of the wider rural and village economies or that promote town centre vitality and viability will be supported in principle.'

The proposed development would strengthen the wider rural economy of the Borough. In respect of farm diversification, the Planning Statement explains this is a farm to table restaurant operation, with the menu designed to maximise opportunities for produce from the farm being served. The Statement goes on to explain that the restaurant has driven increased demand for farm produce, generating direct

farm income of approximately 15K per month from restaurant supply. Restaurant customers visiting the farm shop are said to have doubled the weekly farm shop turnover on trading day. This integrated business model is said to have enabled the farm to expand operations such as increasing the dairy herd and two farm apprenticeship positions.

The development approved under previous application 3/2016/1159 was considered to amount to a genuine farm diversification on the basis that a tea room providing a modest level of hospitality with limited staff and opening hours embodied the supplementary nature of a farm diversification (with the applicant's farming operation remaining as the primary enterprise). The application's supporting statement asserts that the evolution from tea room to restaurant represents refinement of the originally approved farm diversification scheme, with an assertion that the previous and current business operations are essentially the same in as much that they both fall within the category of visitor refreshment facilities, provide food and drink, support the existing farm operation, contribute to the rural economy, operate from the same building and generate similar types and patterns of activity.

Notwithstanding these assertions, the proposed restaurant has resulted in a substantial increase in employee numbers at the site (stated as 4+ full time equivalent employees in previous application 3/2016/1159, as opposed to 27 full time employees and 10 part-time employees in the current application). Furthermore, and as previously conveyed, additional outdoor seating and parking areas have been constructed on site, with these areas collectively occupying an area of approximately 1200m², with ancillary buildings for food storage, refrigeration and office use having also been added to the site. Moreover, the response from the Local Highways Authority confirms that the unauthorised restaurant use has resulted in a material intensification of visitor traffic to the site relative to the previously approved tearoom (this is discussed in more detail in the 'Highways and Parking' section of this report further below).

In light of the above, and in the absence of any evidence to the contrary including evidence of the scale of the existing agricultural enterprise, it is considered that the overall scale of the proposed restaurant operation may exceed the supplementary nature of a farm diversification. Additionally, there is no evidence to explain how the development is needed for the short or long term viability of the farm. Therefore Core Strategy Key Statement EC1 lends little support to the development.

The proposed restaurant comprises a main town centre use as defined in Annex 2 of the National Planning Policy Framework. Paragraph 91 of the NPPF requires the application of a sequential test for such uses however no sequential test has been provided in support of the application to justify the continued operation of a main town centre use within a rural area and outside of a retail centre. As such, the proposal fails to satisfy the requirements of Paragraph 91 of the National Planning Policy Framework.

Policy DMG2 restricts development in the countryside to the following:

- 1. The development should be essential to the local economy or social well-being of the area.*
- 2. The development is needed for the purposes of forestry or agriculture.*
- 3. The development is for local needs housing which meets an identified need and is secured as such.*
- 4. The development is for small scale tourism or recreational developments appropriate to a rural area.*
- 5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*
- 6. The development is compatible with the enterprise zone designation*

Due to the number of staff and customers visiting the site during restaurant operating hours, this is not considered to constitute a small scale use appropriate to a rural area as outlined in criteria point 5 above. In addition, whilst it is acknowledged that the existing business provides a contribution to the rural economy of the Borough in addition to opportunities for social cohesion through shared dining experiences and inclusive employment programmes, retention of the existing business operation would

not be considered essential to the local economy of the Borough or its social well-being as stipulated in criteria point 1 above.

As set out in a recent appeal decision (6004430) at Paragraph 09:-

'Essential is not defined in the Core Strategy, but taking its ordinary adjective meaning, in this case it would mean development which is absolutely necessary or extremely important to the local economy. To my mind this establishes a high bar which I would expect given the constraint typically given to development in the countryside.'

Furthermore, the development proposed does not meet any of the other exceptions listed above. The proposal therefore fails to satisfy Policy DMG2.

Policy DMG3 of the Core Strategy requires decision taking to consider the availability and adequacy of public transport and associated infrastructure to serve those moving to and from new developments. This is consistent with the NPPF which requires development proposals to promote sustainable transport. In this instance, analysis shows a notable absence of bus stops within the nearby vicinity of the application site with the nearest public transport link being sited approximately 700 metres away to the South-east of the application site. Furthermore, the application site lies within a rural location some distance from the village centre of Rimington. As such, future patrons would be reliant on the use of private motor vehicles to access the restaurant business. In light of this, it is not considered that the proposal would align with the aims and objectives of Policy DMG3 or the NPPF.

Taking account of all of the above, retention of the unauthorised development would be in conflict with the requirements of Paragraph 91 of the NPPF and Key Statement EC1 and Policies DMG2, DMG3 and DMB1 of the Core Strategy and is therefore considered to be unacceptable in principle.

Impact Upon Residential Amenity:

Paragraph 135 (f) of the National Planning Policy Framework states:

'Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'.

Furthermore, Policy DMG1 of the Core Strategy requires all proposals for development to consider the effects of development upon existing amenities.

In this instance, the application site comprises a sizeable working farmstead subject to discernible levels of noise, disturbance and vehicular activity from the applicant's farming operation. Therefore whilst retention of the restaurant would undoubtedly result in an intensification of use of the site relative to the consent granted under previous application 3/2016/1159 (with some of this occurring within the evening hours), it is not considered that this intensification of use (which would largely come from increased vehicle movements to and from the site) would result in noise and disturbances significantly above those associated with the existing use of the site. Furthermore, the nearest residential receptor to the development lies some distance away from the application site (approximately 200 metres away). Moreover, the proposal has been subject to review from the Council's Environmental Health department who have raised no issues with regards to the development in relation to potential occurrences of noise and disturbance.

In light of the above, it is not considered that the development would be harmful to the amenity of any neighbouring residents. The proposed development would therefore be compliant with the aims and objectives of Paragraph 135 (f) of the NPPF and Policy DMG1.

Visual Amenity/External Appearance:

Paragraph 135 (c) of the NPPF states:

'Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting'.

Policy DMG1 of the Ribble Valley Core Strategy provides additional general design guidance as follows:

'All development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing and style...particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character.'

As previously conveyed, a single storey building has been constructed on site in the location of the tea room approved under previous application 3/2016/1159. This building differs from the approved tea room building with respect to its fenestration and roof profile. Furthermore, an outdoor seating area has been constructed to the South of the proposed single storey building in addition to an extension to the site's existing hardstanding area to serve as an extended parking area for the restaurant. Four single storey cabin buildings have also been placed within the site to the North of the restaurant building.

Notwithstanding the deviation from the development approved under application 3/2016/1159, the constructed single storey building otherwise retains the footprint of the originally approved building and whilst its elevational treatments contain a greater quantity of glazing relative to the previously approved development, the elevations of the building nonetheless consist of an oak based frame with timber shingles as was approved for the original tea room building. Furthermore, the roof profile of the unauthorised building retains the same octagonal design approved for the original building, albeit with a lower roof pitch carrying slightly less visual impact. As such, the design and external appearance of the proposed building largely reflects the development approved under previous application 3/2016/1159. Furthermore, whilst the outdoor seating area and extended vehicle parking area amount to a further deviation from the operational development approved under application 3/2016/1159, these areas nonetheless cohesively adjoin with the proposed building from a visual perspective and collectively occupy roughly the same area of space as the car park area originally approved for the tea room. Furthermore, the cabin buildings within the site are modestly sized structures with regards to their height and footprint and as such are read as ancillary structures within the context of the restaurant building and site as a whole.

In light of the above, it is not considered that retention of the unauthorised development would be harmful to the visual amenities of the immediate area or wider landscape. The proposal would therefore satisfy the requirements of Paragraph 135 (c) of the NPPF and Policy DMG1 of the Core Strategy.

Highways and Parking:

The proposed development has been subject to review from Lancashire County Council Highways who in their initial response raised concerns and queries with regards to parking provisions within the site, the suitability of Dancer Lane as the sole means of access to and from the site, and a material intensification of traffic relative to the previously approved tea room use. In light of these concerns, further information was requested with regards to parking provisions, trip generation and details pertaining to the site's access width, passing places and visibility. Further information in the form of site access (Dancer Lane) drawings and a clarification note have since been provided and reviewed by the LHA who have subsequently raised no objections to the proposal, subject to the imposition of conditions with respect to securing the site access improvements and the provision and maintenance of the site's vehicular parking area.

Paragraph 115 (b) of the National Planning Policy Framework states:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.'

In a similar vein, Policy DMG1 states that:

'All development must ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.'

In this instance, the proposal seeks to make works of improvement to the site's access track (Dancer Lane / PROW FP0336017) which include the widening of the access track, introduction of passing places and clearing of vegetation, all of which has been supported by the Local Highways Authority.

Notwithstanding this, Dancer Lane does not form the basis of land within the application site or the applicant's ownership therefore the proposed highway mitigation measures cannot be secured by way of a condition. As such, there is no reasonable mechanism to resolve the concerns raised in the initial response from the Local Highways Authority (which were also raised under previous applications 3/2016/1159, 3/2018/0700 and 3/2024/0213) with regards to potential two way vehicle conflicts and harm to pedestrian users of the access track.

Additionally, it is also noted that the LHA appear to give weight to specific restaurant operation details such as pre-bookings only and phased dining times, but these also could not be secured by condition.

Consequently, retention of the unauthorised development without the necessary highway improvements would be in conflict with the aims and objectives of Paragraph 115 (b) of the NPPF and Policy DMG1 of the Core Strategy.

Landscape/Ecology:

Biological Heritage Site

The land parcel adjoining the North-western corner of the application site comprises a Biological Heritage Site known as Bottom Meadow and Weling Meadow however analysis shows that the unauthorised works have not resulted in any encroachment into this land parcel. As such, no concerns are raised with respect to impacts upon the adjacent Biological Heritage Site.

Biodiversity Net Gain

The development is exempt from having to achieve the mandatory Biodiversity Net Gain requirement as it forms the basis of retrospective development.

Other Matters:

Flood Risk

The application site lies within Flood Zones 2 and 3. National planning legislation requires the provision of a Flood Risk Assessment for all development within Flood Zones 2 and 3, with sequential tests required for developments (inclusive of access and escape routes) within Flood Zones 2 & 3 which do not fall within the following categories:

- domestic extensions with a footprint of less than 250 square metres
- non-domestic extensions with a footprint of less than 250 square metres
- change of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)

Recently updated flood risk mapping (NaFRA2 - National Flood Risk Assessment 2) identifies the application site as lying within flood zones 2 and 3 and also being at risk of flooding from surface water and in this instance the proposed development does not benefit from any of the above sequential test exemptions. Paragraph 175 of the NPPF states that the sequential test for flood risk should be used in areas known to be at risk now or in the future from any form of flooding except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future.

A flood risk assessment has been provided in support of the application which identifies the existing use within the application site as falling within the 'less vulnerable' flood risk category with an assertion that the flood risk vulnerability of the site as a whole would not increase post development. Flood risk to the site from river sources is identified as falling within the low to medium threshold, with surface water and groundwater flood risk identified as 'very low' and unlikely respectively. It is further stated that there are no historic records of flooding within the site and numerous flood risk mitigation measures are also proposed for the site. The flood risk measures detailed within the submitted flood risk assessment solely relate to proposed modifications to the restaurant building and subscriptions to flood warning services, with the mitigation for escape routes being limited to the erection of flood warning notices, adherence with a generic flood plan and closure of the business in extreme flood events

Notwithstanding this, analysis shows built development including access (which serves as the sole means of access to the site) and car parking as lying within Flood Zones 2 and 3. Consequently, the proposed development stands to be assessed against the sequential test however whilst this is referred to in the submitted flood risk assessment, no information has been provided to demonstrate that alternative sites with reduced flood risk have been given consideration (section 7 of the submitted FRA only makes reference to compliance with the Exception Test). The application's planning statement asserts that the sequential test for flood risk can be met on account of the proposed development constituting a farm diversification which in turn carries a requirement for the development to remain sited in its current location in close proximity to the adjacent farmstead. However for the reasons conveyed earlier in this report, the proposed development is not considered to fall within the remit of a farm diversification therefore this line of reasoning is not supported. Even if it were, the applicant has not demonstrated that other areas in proximity of the farmstead would not be suitable.

In light of all of the above, the proposal fails to meet the requirements of the Sequential Test and as such is considered to be in conflict with Paragraphs 173, 174, 175 and 181 of the NPPF. When the Sequential Test is failed it is not necessary to go on to consider the Exceptions Test.

Observations/Consideration of Matters Raised/Conclusion:

In the absence of any evidence of the scale of the existing agricultural enterprise, it is considered that the overall scale of the proposed restaurant operation could exceed the supplementary nature of a farm diversification, and there is no evidence to explain how the development is needed for the short or long term viability of the farm. No sequential test has been provided to justify the introduction of a main town centre use within a rural area. The development is not considered to constitute a small scale use appropriate to a rural area or to be essential to the local economy of the Borough or its social well-being, therefore amounting to inappropriate development within the countryside. Patrons and staff are reliant on the use private motor vehicles to access the site which in turn would fail to align with the aims and objectives of the NPPF which requires development proposals to promote sustainable forms of transport. The development would therefore be in conflict with the requirements of Paragraph 91 of the National Planning Policy Framework and Key Statement EC1 and Policies DMG2, DMG3 and DMB1 of the Core Strategy and is therefore considered to be unacceptable in principle in this countryside location.

In addition, the proposed development has led to the intensification of use of Dancer Lane which lacks the adequate width and has a lack of passing facilities, lighting and footways deemed safe and suitable for such a proposal. Necessary highway improvements to Dancer Lane cannot be secured due to land ownership constraints. The development is therefore in conflict with the aims and objectives of Paragraph 115 (b) of the NPPF and Policy DMG1 of the Core Strategy.

Moreover, built development namely the access and car park lies within flood zones 2 and 3 and is at higher risk of flooding and this provides the only means of entry and egress from the application site. As such the Sequential Test should be applied but no information has been provided to demonstrate that alternative sites with reduced flood risk have been considered. Whilst a flood risk assessment has been provided in support of the proposal detailing mitigation measures, it is not considered that sufficient information has been provided to demonstrate that users of the site would remain safe from current and future occurrences of flood risk for the lifetime of the development. The proposal is therefore in conflict with Paragraphs 173, 174, 175 and 181 of the NPPF.

It is for the above reasons and having regard to all material considerations and matters raised that planning consent be refused.

RECOMMENDATION:	That planning permission be refused for the following reasons:
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| 01: | Insufficient evidence has been submitted to demonstrate that the scale of the proposed development constitutes a farm diversification scheme. No sequential test has been provided to justify this main town centre use within a rural area. Furthermore, the type of development is not considered to be appropriate development in a rural area and patrons and staff would be reliant on the use of private motor vehicles to access the site. For these reasons the development is not in a suitable location and would be in conflict with the requirements of Paragraph 91 of the National Planning Policy Framework (NPPF) and Key Statement EC1 and Policies DMG2, DMG3 and DMB1 of the Ribble Valley Core Strategy as well the aims and objectives of the NPPF which requires development proposals to promote sustainable forms of transport. |
| 02: | Retention of the unauthorised development would lead to the intensification of use of Dancer Lane which lacks the adequate width and has a lack of passing facilities, lighting and footways deemed safe and suitable for such a proposal. Necessary highway improvements to Dancer Lane cannot be secured due to land ownership constraints. Retention of the unauthorised development would therefore be in conflict with the aims and objectives of Paragraph 115 (b) of the National Planning Policy Framework and Policy DMG1 of the Ribble Valley Core Strategy. |
| 03: | The access serving the application site lies within flood zones 2 and 3 and so is at higher risk of flooding and this provides the only means of entry and egress from the application site however whilst a flood risk assessment has been provided in support of the proposal detailing mitigation measures, it is not considered that sufficient information has been provided to demonstrate that occupiers and users of the site would remain safe from current and future occurrences of flood risk for the lifetime of the development. Furthermore, no information has been provided to demonstrate that alternative sites with reduced flood risk have been given consideration as required by the Sequential Test for flood risk. The proposal is therefore in conflict with Paragraphs 173, 174, 175 and 181 of the National Planning Policy Framework. |