

- 6 MAY 2026

To:  
The Planning Department  
Ribble Valley Borough Council  
Council Offices, Church Walk  
Clitheroe, Lancashire BB7 2RA

**RIBBLE VALLEY  
BOROUGH COUNCIL**

Date:  
05 May 2026

Formal Objection to Planning Application 3/2026/0258 – Land adjacent to Abbeycroft, The Sands,  
Whalley BB7 9TN

Dear Sir/Madam,

We write to object, in the strongest possible terms, to the above planning application. The proposal seeks consent for the change of use of open land within the Whalley Conservation Area to a commercial use falling within Use Class E(d) and for the installation of a tipi structure on a seasonal basis between 1 May and 30 September each year, together with associated on-site parking and access from Ridding Lane. We are [REDACTED] who are directly affected by the proposed development. We are also [REDACTED] of this proposal.

We have reviewed in full the application documents submitted to Ribble Valley Borough Council: the Planning Statement (S&L Planning Consultants, November 2025), the Heritage Statement (Wilson Mason, Revision 04, March 2026), the Design and Access Statement (Wilson Mason, Revision 03, March 2026), the Acoustic Planning Report (Lighthouse Acoustics, 1548/APR1, March 2026), the Ecological Survey and Assessment (ERAP Ltd, January 2026), the Biodiversity Net Gain Assessment (ERAP Ltd), and the Tree Impact Report (Bowland Tree Consultancy, March 2026). We have also consulted the adopted Ribble Valley Core Strategy (2008–2028, adopted December 2014) and the Housing and Economic Development Development Plan Document (HED DPD, adopted October 2019).

Having reviewed those documents carefully, we are satisfied that the application is materially deficient, internally inconsistent, and contrary to the statutory framework and the adopted Development Plan. We identify a number of substantive grounds for refusal below. We respectfully request that the Council refuses this application.

### **1. Impact on Designated Heritage Assets: Grade I Listed Building and Scheduled Monument**

The application site is situated in immediate proximity to the North West Gateway of Whalley Abbey, which is both a Grade I listed building and a Scheduled Monument of national importance, and to the Grade II\* listed Whalley Viaduct. The Heritage Statement itself acknowledges these designations at paragraph 3.02, describing the North West Gateway as "a well-preserved 14th-century structure and one of the few surviving elements of the former Cistercian monastery" and confirming that it "is now recognised as a Scheduled Monument and Grade I listed building for its exceptional architectural and historic significance."

The protection of these assets and their settings is mandated by statute. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty upon the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their settings, and any features of special architectural or historic interest. The Courts have confirmed that this duty requires decision-makers to give "considerable importance and weight" to any harm to the setting of a listed building. This is a statutory requirement.

Policy DME4 of the adopted Ribble Valley Core Strategy provides, in mandatory terms, that "applications for development that would result in harm to the significance of a Scheduled Monument or nationally important archaeological sites will not be supported." The Policy further provides, in relation to listed buildings, that "development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported."

The Heritage Statement purports to assess the impact of the proposal on the setting of these assets but does so in superficial and conclusory terms. At paragraph 6.01 the Heritage Statement states that "the careful siting of the development ensures that it will not harm the significance of any designated heritage asset, including the Whalley Viaduct." This assertion is not supported by any analysis of the contribution that the open setting of The Sands makes to the significance of the North West Gateway. The visual relationship between the Gateway and the open field to its south — the approach across The Sands — is central to the experience and appreciation of this asset as a threshold into the former monastic precinct. The introduction of a 10-metre commercial tipi structure, hard car parking, and associated commercial activity into this setting would cause material harm to that relationship, and no adequate evidence has been presented to the contrary.

The Council's attention is drawn to the findings of Inspector Roger Catchpole in the appeal decision dated 3 November 2017 (Appeal Ref: APP/T2350/Y/17/3176602), which concerned proposed listed building works at 2 Abbeycroft, The Sands, Whalley — the immediately adjacent property within the same historic terrace as the applicant's own address at 4 Abbeycroft. That appeal was made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent for a rear extension. Inspector Catchpole dismissed the appeal, finding that even the relatively modest works proposed — a flat-roofed extension to the rear of the listed terrace — caused harm to the significance of designated heritage assets in this location. His findings are directly applicable to the present application.

At paragraph 2 of his decision, Inspector Catchpole identified the fundamental significance of the spatial relationship between the key heritage assets in this area:

"Although the latter [Whalley Abbey] lies some distance to the east of the appeal site, the Gatehouse is evidentially linked making the visual corridor between these buildings and the Scheduled Ancient Monument associated with the Abbey part of their combined setting. This is the basis on which this appeal has been determined."

At paragraph 10, having assessed the proposed works against that setting, Inspector Catchpole found that the proposal:

"...would also be detrimental to the CA. This is because it would lead to the visual disruption of the highly sensitive corridor linking the Gatehouse with the Abbey. This not only contributes to the setting of these Grade I heritage assets but also the legibility of the historic phasing of the settlement."

At paragraph 11, the Inspector concluded: "I consequently give this harm considerable importance and weight in the planning balance of this appeal." The appeal was dismissed. Listed building consent was refused.

The implications for the present application are stark. Inspector Catchpole found that a modest flat-roofed extension to the rear of a listed terrace — set behind a stone wall and affecting only oblique views — caused harm to the "highly sensitive corridor" between the Gatehouse and the Abbey sufficient to warrant dismissal and to attract "considerable importance and weight" in the planning balance. The current application proposes to place a 10-metre commercial tipi structure, together with a hardened car parking area and associated commercial activity, directly within that same corridor on open land immediately adjacent to the Gatehouse. This is a materially greater and more direct intervention in precisely the setting that Inspector Catchpole identified as "highly sensitive." The Heritage Statement does not refer to the 2017 appeal decision at any point. Its omission from the heritage assessment is a fundamental deficiency: the applicant has failed to engage with directly relevant and binding Inspector's findings relating to the very same designated assets and the very same corridor that the present proposal would affect.

## **2. Harm to the Whalley Conservation Area: Contradictory Evidence and Failure to Comply with Policy DME4**

The application site is situated wholly within the Whalley Conservation Area, as designated under the Planning (Listed Buildings and Conservation Areas) Act 1990. This fact alone engages the statutory duty imposed by section 72(1) of that Act, which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area in the exercise of planning functions. That duty applies to the determination of this application and must be given considerable importance and weight in the planning balance. The proposal must therefore be assessed, in the first instance, by reference to whether it preserves or enhances the character or appearance of the Conservation Area — and it is my submission that it manifestly fails to do so, for the reasons set out below.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of its planning functions. Key Statement EN5 of the Ribble Valley Core Strategy provides that "the Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance." Policy DME4 further provides, in relation to Conservation Areas, that proposals "within, or affecting views into and out of, or affecting the setting of a Conservation Area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance."

Despite this clear designation, the application documents cannot agree on whether the site lies within or outside the Whalley Conservation Area, and this inconsistency is material to the entire assessment. The Heritage Statement, at paragraph 3.03, states correctly that "the application site lies within the conservation area boundary and contributes to both the setting and approach views that define the area's special character." The Design and Access Statement repeats this in its Site Analysis section: "the application site lies within the conservation area boundary." However, the same Heritage Statement, at paragraph 4.00, states the opposite: "The plot is located outside but adjacent to the Whalley Conservation Area." The Planning Statement, at paragraph 5.32, compounds this confusion by stating that "the site is also adjacent to the Whalley Conservation area" — which similarly implies the site is outside the designated boundary.

A single planning application cannot simultaneously describe the application site as lying within and outside a Conservation Area. The entire basis of the heritage assessment — and, in particular, the extent of the statutory duties under sections 66 and 72 of the 1990 Act — depends upon whether the site is within the Conservation Area boundary or outside it. The Council cannot properly assess this application without first requiring the applicant to resolve this contradiction with reference to the definitive Conservation Area boundary as formally designated and maintained by the Council and to update the reports and assessments accordingly.

The adopted Whalley Conservation Area Appraisal (The Conservation Studio, adopted 3 April 2007) sets out the special interest of the Conservation Area in terms directly applicable to this site. The Appraisal identifies, in its Summary of Special Interest, that:

"Although 20th century housing development has impinged somewhat to the north of the town, the river setting and the many fields and open green spaces of Whalley provide an attractive rural character to the conservation area."

In its assessment of general character, the Appraisal states:

"The Sands is distinctly rural."

Most significantly, in identifying the opportunities and constraints within the Conservation Area, the Appraisal provides guidance that is directly applicable to the application site:

"There are very few sites for development within the conservation area, given the tight urban form, the constraints imposed by the scheduled sites, and the many listed buildings. The open green spaces to the west of The Sands, marked on the Townscape Appraisal map, are a particularly valuable asset and should be protected from development."

The application site forms part of the open green spaces of The Sands to which this passage directly refers. The Appraisal states, in unambiguous terms, that these spaces "should be protected from development." Policy DME4 of the Core Strategy requires that proposals within or affecting a Conservation Area must conserve and enhance "those elements which contribute towards its significance." The open green spaces of The Sands are identified in the adopted Appraisal as a "particularly valuable asset." The introduction of a commercial Class E(d) venue and associated car parking on these open spaces would not conserve or enhance these elements; it would directly harm them. The proposal is contrary to Policy DME4 and the statutory duty under section 72(1).

### **3. Principle of Development: Protected Open Space and the Failure to Apply Policy DMB4 and Policy OS1**

The Planning Statement at paragraph 1.3 acknowledges that the application site is identified as existing open space under Policy DMB4/OS1 (the Conservation Area Appraisal classifies this space as a Significant Open Space). Policy DMB4 of the adopted Core Strategy provides that "the Borough Council will refuse development proposals which involve the loss of existing public open space, including private playing fields which are in recreational use." Policy OS1 of the HED DPD (adopted October 2019), which provides further detail on DMB4, confirms that the Council "will refuse development proposals which involve the loss of existing open space, as defined on the Proposals Map, throughout the Borough."

The change of use from open land to a commercial Use Class E(d) venue — with associated hardened car parking — constitutes exactly the kind of loss of open space that these policies are designed to prevent. The Planning Statement argues that the proposal does not result in the permanent loss of open space because the site will revert to open land in the winter months. This argument fundamentally misrepresents both the nature of the development and the operation of the policies. The change of use to Class E(d) is permanent. The planning permission sought, if granted, would establish a commercial use class on this open space indefinitely. The fact that the tipi structure is removed in winter does not alter the fact that the use class of the land would be permanently changed from open space to commercial E(d) use. Policy DMB4 and Policy OS1 require the Council to refuse this application.

Policy DMB4 provides that consent may be granted for the loss of open space only in exceptional circumstances, following a robust assessment, where the loss is justifiable because of the social and economic benefits the development would bring to the community, and where replacement facilities are provided or existing facilities nearby are substantially upgraded. No such assessment has been undertaken. No replacement open space is proposed. No existing facilities are to be upgraded. The Planning Statement makes no attempt to demonstrate that the exceptional circumstances threshold has been met. The application falls to be refused on this ground.

### **4. Principle of Development: Class E(d) Commercial Use and the Absence of Sequential Assessment**

The application seeks consent for a change of use to Use Class E(d) — defined as use for "indoor sport, recreation or fitness." Class E(d) is a commercial use class. As the applicant's own ecologist acknowledges explicitly at paragraph 1.1.2 of the Ecological Survey and Assessment: "it is understood that this will require an application for a change in use class from agriculture to commercial." This characterisation — from the applicant's own consultant — is significant. The application is for a commercial enterprise, not for agricultural or informal recreational use of the land.

Class E(d) uses fall within the definition of Main Town Centre Uses set out in the National Planning Policy Framework (2024). This is recognised by Key Statement EC2 of the Ribble Valley Core Strategy, which establishes the development management framework for retail, community facilities and services in Whalley. The planning application makes no reference whatsoever to the sequential test that is required by national policy for main town centre uses proposed in out-of-centre locations. No sequential assessment demonstrating that there are no suitable sites within the town centre or at edge-of-centre locations has been submitted. This is a fundamental omission.

The Council's own approach to this policy framework is confirmed by its very recent decision on application 3/2026/0062, refused on 9 April 2026, which also concerned a proposed change of use to Class E(d) at a location outside the town centre boundary. In that case, the Council resolved that the proposal involved:

"a use falling within the definition of a 'Main Town Centre Use' — as defined in Annex 2 of the NPPF — outside of an established town centre boundary. There are no material considerations in this case to justify or warrant the harm resulting from the loss of employment land use and allowing a 'Main Town Centre Use' in an out-of-town centre location... [in] direct conflict with Policies EC1 and DMB1 of the Ribble Valley Core Strategy and the aims and objectives of Paragraph 91 of the

This is a directly material consideration. The Council, in refusing that application, made unambiguous its position that Class E(d) constitutes a Main Town Centre Use that cannot be located outside the town centre boundary without a satisfactory sequential assessment and demonstrated justification. The present application proposes precisely such a use on open land that lies, on the applicant's own submission, either within or at the edge of the Conservation Area — not within any town centre or edge-of-centre boundary. No sequential assessment has been submitted. No justification has been offered. The Council is bound by consistency in decision-making: it should refuse this application on identical grounds.

## **5. Noise, Residential Amenity, and the Inadequacy of the Acoustic Assessment**

Policy DMG1 of the Ribble Valley Core Strategy requires all development to "not adversely affect the amenities of the surrounding area." The adequacy of the acoustic assessment submitted with this application is a matter of serious concern.

The Acoustic Planning Report (Lighthouse Acoustics, 1548/APR1) identifies the "nearest noise sensitive receptor" as the "existing residential properties to the south east (1-3 Abbeycroft)" at a distance of 60 metres from the tipi structure. Other close consultee properties along The Sands/Broad Lane are not identified or assessed in the acoustic report. This is an omission that the Council should require the applicant to rectify before determining the application. A noise assessment that does not consider all the nearest affected residential properties consulted upon by Ribble Valley Borough Council cannot form an adequate basis for determining that the proposal will not adversely affect residential amenity.

The acoustic assessment is further limited by the narrow scope of its analysis. The report calculates noise from "patrons talking" — on the assumption that half of a maximum of 30 attendees will be talking at any one time, half with a normal voice and half with a raised voice. The assessment does not address vehicle noise from the car park, noise from arriving and departing vehicles, noise during the seasonal erection and dismantling of the tipi structure, or noise associated with the use of large delivery vehicles for that purpose. These are all noise sources directly associated with the proposed development, and the Council cannot assess the full noise impact of the scheme without an assessment that addresses them.

The assessment also relies upon the lowest background sound level measured during the survey — 41 dB(A) recorded on a Sunday — as the basis for its assessment. By selecting the lowest background level as the reference point, the acoustic assessment calculates the most favourable noise impact outcome. The report then concludes that the "typical LAeq patron noise level" incident upon the nearest receptor would be 41 dB(A) — i.e. equal to the background level — and on that basis finds the requirement of not exceeding the background level by more than 5 dB to be satisfied. This methodology is designed to minimise the calculated impact. A single lowest background measurement on a Sunday is not representative of the acoustic environment on days when the venue would be in operation, which includes all seven days of the week throughout a five-month season. The lack of formal complaints for one of the permitted development right events gives the misleading impression that local residents find the noisy late night events acceptable which is not the case.

The Planning Statement states at paragraph 3.2 that the venue would operate between "10am – 9pm." However, the Acoustic Planning Report at paragraph 6.2 assesses the tipi as potentially operating between "07:00 to 21:00 hours 7 days a week" — a 14-hour operating window that is materially wider than the hours stated in the Planning Statement. The Council is invited to require the applicant to clarify which of these proposed operating hours is accurate, and to ensure that the acoustic assessment is based upon the correct operational parameters.

## **6. Landscape Character and Visual Impact**

Policy DME2 of the Ribble Valley Core Strategy requires that development proposals will be refused where they significantly harm important landscape or landscape features, and specifically includes "townscape elements such as the scale, form, and materials that contribute to the characteristic townscapes of the

area." The open green spaces of The Sands are a defining townscape element of Whalley, recognised as such in the adopted Conservation Area Appraisal.

The Design and Access Statement characterises the tipi as a structure that "will sit discreetly within the landscape, with minimal visual or topographical impact." The Planning Statement states at paragraph 5.12 that the structure "will not interrupt views or sightlines across the site." These assertions are inconsistent with the proposal's own description of a 10-metre high canvas structure positioned on open grassland in the foreground of a Grade I listed building and within sight of a Scheduled Monument. A 10-metre commercial tipi is not a discreet or subordinate feature in any ordinary landscape; in the specific context of the open and historically sensitive green spaces of The Sands, it is a significant visual intrusion.

The landscape impact of the proposal extends beyond the tipi structure itself. The car parking area — created in recent years in connection with ongoing temporary events, formed using mechanical excavation — represents a permanent change to the surface of this open land. The Heritage Statement's assertion that "the site can be completely restored to its original condition" at the end of each season is not credible in the context of a hardened car parking surface that has already been installed. Furthermore, the use of large and heavy delivery vehicles for the seasonal installation and removal of the tipi structure causes progressive damage to the access route and to the landscape more generally. The cumulative physical impact of five months of commercial operation — including repeated vehicle access, car parking activity, erection and dismantling of a substantial structure, and use of the site by up to 90 or more attendees per day across 3–4 daily sessions — is substantially greater than the Planning Statement acknowledges.

## **7. Ecology: Bat Disturbance, Lighting, and Policy DME3**

Policy DME3 of the Ribble Valley Core Strategy provides that development proposals likely to adversely affect protected species or priority habitats and species identified in the Lancashire Biodiversity Action Plan will not be granted planning permission, except where it can clearly be demonstrated that the benefits of the development outweigh both the local and wider impacts.

The Ecological Survey and Assessment (ERAP Ltd, January 2026) acknowledges, at paragraph 4.4.2, that "inappropriate use and siting of artificial lighting at the site has the potential to degrade the value of the retained habitats, habitats in the wider area and the new habitats for use by foraging bats." The report further acknowledges "a risk that headlights from parked cars using the temporary car park surface at the western margin of the site may disturb nocturnal and crepuscular wildlife using the habitats at the site and particularly the off-site river corridor." The River Calder corridor is likely to be used by foraging bats, and the combination of car park lighting and vehicle headlights represents a material risk to bat activity in this sensitive riparian habitat.

The ecological consultant attempts to dismiss this risk as "minor" on the basis that headlight presence is "temporary" and the car park is described as "screened." However, the car park operates for five months every year, seven days a week, for up to 14 hours a day. This cannot credibly be characterised as a temporary disturbance. The Council should seek advice from its ecological consultant before accepting the applicant's assertion that the risk to foraging bats is negligible.

The assessment also fails to address the cumulative impact of the proposed use in combination with the 28-day permitted development right under Class B of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. If permission is granted, the consented five-month seasonal use would in effect anchor a more intensive pattern of activity on the site, enabling the applicant to supplement that season with a further 28 days of unrestricted use. The combined impact of the two upon the Conservation Area setting, the significance of the adjacent heritage assets, residential amenity, and the highway network has not been assessed anywhere in the application documents. The Council cannot properly evaluate the planning consequences of granting this permission without understanding the full extent of the activity it would in practice facilitate.

## **8. Failure to Satisfy Policy DMB3: Recreation and Tourism Development Criteria**

The Planning Statement seeks in part to justify the proposal by reference to Policy DMB3 (Recreation and Tourism Development) and Key Statement EC3 (Visitor Economy). Policy DMB3 provides that planning permission will be granted for tourism and visitor facilities subject to a series of criteria. The proposal fails to satisfy several of these criteria.

Criterion 1 of Policy DMB3 requires that "the proposal must not conflict with other policies of this plan." For the reasons set out throughout this letter, the proposal conflicts with Key Statement EN5, Policy DME4, Policy DME2, Policy DME3, Policy DMB4, and Policy DMG1. This criterion is not satisfied. Criterion 3 requires that "the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design." As we have set out above, the introduction of a 10-metre commercial tipi, a hardened car parking area, and associated commercial activity into the open green spaces of The Sands does undermine the character of the Conservation Area and the visual amenities of the area. This criterion is not satisfied. Criterion 5 requires that "the site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas." No assessment of the adequacy of the car parking area to accommodate the expected demand from up to 3–4 sessions of up to 30 people per session has been provided. This criterion is not demonstrated. Furthermore, any parking overspill would take place on narrow unsuitable roads causing further congestion at peak times and additional road safety risk for pedestrians including those accessing the school, churches and Abbey.

## **9. Previously Developed Land: Precedent Risk and Future Development Pressure**

We draw the Council's attention to a legitimate concern about the planning precedent that would be created by the formal establishment of a Class E(d) commercial use and associated infrastructure on this open land. Annex 2 of the National Planning Policy Framework defines previously developed land (PDL) in terms that specifically exclude land that is in use for recreation or agriculture. A field used informally or under permitted development rights would generally not constitute PDL. However, the permanent establishment of a commercial use class — Class E(d) — and the creation of a hardened car parking surface on open land could, in future, be relied upon by the applicant or a successor to argue that the site has acquired the characteristics of previously developed land, making further and more permanent development easier to justify in principle.

The applicant has deliberately chosen to frame this application as a Class E(d) commercial use rather than as a purely recreational or agricultural use. Once a commercial use class is established and associated infrastructure is in place, the planning history of the site is permanently altered. The Council should address this concern expressly in its decision and should satisfy itself that the grant of this permission would not open the door to further and more intensive development of these open and historically sensitive green spaces in the future.

## **10. Cumulative Impact and Permitted Development Rights**

The application is presented as a prospective consent for a new use, yet the Design and Access Statement, at page 4, reveals that the proposed use is, in material respects, already established. The applicant states in terms:

*"Over the past year, the tipi has been installed on several occasions under Temporary Event Notices to facilitate trial wellness events. Notably, a wellness retreat held on 25 September 2025 was well received by the community, generating positive feedback and no recorded complaints."*

The applicant has therefore been erecting a 10-metre commercial structure and operating a programme of commercial events on this site without the benefit of planning permission, relying on permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 to use the land for temporary purposes not exceeding 28 days per year.

The consequence is that this application is, in part, retrospective in character, however, the Heritage Statement describes the site at section 4.00 as "currently underdeveloped" — an assessment that is directly

contradicted by the D&A Statement's own account of repeated seasonal erection of the tipi structure and the conduct of commercial events and does not include the permanent hard surfacing that has been put in place to facilitate that use.

In addition to the above concerns, if consent were granted for the proposed commercial use, and the applicant continued to use permitted development rights for additional temporary events outside the consented session or time periods ( e.g. after 9pm) or outside the consented season, the aggregate annual impact of commercial activity on this site upon neighbouring residents and upon the heritage setting would be substantially greater than the application, taken in isolation, acknowledges. The Council should address this concern before granting any consent.

The 28-day permitted development right carries no restriction on the nature, hours, or noise level of the activity carried out; it could in principle be exercised for 28 consecutive or non-consecutive days of amplified music events, night-time gatherings, or other intensive commercial activity entirely beyond the control of any planning condition attached to this permission — the equivalent, for example, of every Friday and Saturday evening for fourteen weeks. As the tipi would already be in situ there would be no additional costs involved in installing and uninstalling the structure and none of the 28 days of permitted development right lost in this process which could intensify this use to the full 28 days. The applicant has not addressed this risk, and the Council has no mechanism to prevent it. The cumulative impact upon the Conservation Area, the significance of the adjacent heritage assets, and the amenity of neighbouring residents of the consented use combined with 28 days of wholly unregulated activity of that character has not been assessed and cannot, on the basis of the information before the Council, be said to be acceptable.

## **11. Access Considerations**

The application relies upon two access points: the vehicular access from Ridding Lane under the viaduct, and the pedestrian gate shown on page 7 of the Design and Access Statement and identified on the circulation diagram at page 11 as "pedestrian in/out." We are advised that the pedestrian access was created without planning consent following a tree fall in 2018 and has never been the subject of a planning application. The development is therefore proposing to rely, in part, upon access infrastructure that is itself unauthorised and potentially subject to enforcement action. The Council cannot approve a development whose access arrangements depend upon an unlawful access point, and we note that other residents of The Sands have been refused consent for far more modest alterations to their access arrangements; consistency in decision-making requires the same standard to be applied here.

The position of Network Rail adds a further and potentially decisive dimension. Network Rail are a statutory consultee on this application and their response is outstanding, with a deadline of 13 May 2026. If Network Rail objects to the additional traffic movements under the viaduct, both the vehicular and pedestrian access points could be compromised simultaneously, leaving the development with no viable means of access or egress whatsoever. In those circumstances the proposal would be wholly incapable of implementation. We respectfully request that the Council does not determine this application until Network Rail's response has been received and properly considered.

## **Conclusion**

This application is deficient in multiple material respects. The application documents contain an irreconcilable internal contradiction on the fundamental question of whether the site lies within or outside the Whalley Conservation Area. The acoustic assessment fails to assess the relevant residential properties, uses the lowest available background level as its reference, omits all noise sources other than patron conversation and the greater number of loud night time events with alcohol licences under the 28 day permitted development that the five month structure would enable. The operating hours stated in the Planning Statement differ materially from those assessed in the acoustic report. No sequential assessment has been provided for a Class E(d) Main Town Centre Use proposed in an out-of-centre location.

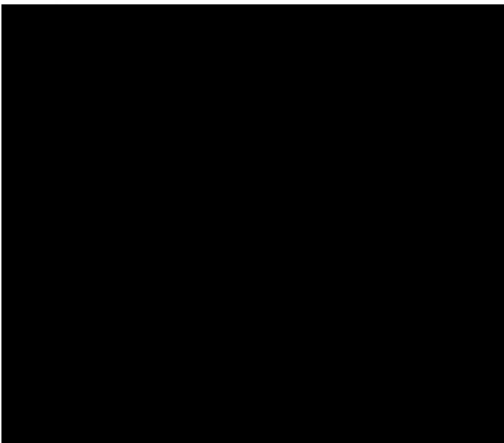
On the substantive merits, the proposal is contrary to the statutory duties imposed by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, contrary to Key Statement EN5 (Heritage Assets), contrary to Policy DME4 (Protecting Heritage Assets) in its application to Conservation Areas, Listed Buildings, and Scheduled Monuments, contrary to Policy DME2 (Landscape and Townscape

Protection), contrary to Policy DME3 (Site and Species Protection), contrary to Policy DMB4 (Open Space Provision), contrary to Policy OS1 of the HED DPD, contrary to Policy DMG1 (General Considerations) in respect of residential amenity, and contrary to the sequential approach required by national policy for Main Town Centre Uses. The proposal fails to satisfy the criteria of Policy DMB3 (Recreation and Tourism Development).

Inspector Catchpole, in the 2017 appeal decision (APP/T2350/Y/17/3176602), found that even modest listed building works to the rear of an adjacent property in this location were harmful to what the Inspector described as the "highly sensitive corridor linking the Gatehouse with the Abbey," and gave that harm "considerable importance and weight" in the planning balance. The Inspector dismissed the appeal. The present application proposes, within the same corridor and at substantially greater scale, a 10-metre commercial tipi structure, a hardened car park for up to 10 vehicles, and a five-month season of commercial activity. The Heritage Statement does not address the 2017 Inspector's findings. That omission is itself a material deficiency in the application which the Council must take into account.

We respectfully request that Ribble Valley Borough Council refuses this application in full. The proposal is contrary to the statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, contrary to the Development Plan taken as a whole, and contrary to the interests of this Conservation Area, its listed buildings, and the amenity of neighbouring residents. It should therefore be refused.

Signed:

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