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| **Report to be read in conjunction with the Decision Notice.** | | | | | |
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| **Application Ref:** | 3/2021/0287 | | | |  |
| **Date Inspected:** | 16/04/2021 | | | |
| **Officer:** | AB | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | **REFUSAL** |
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| **Development Description:** | | | **Proposed new dwelling within the garden boundary of existing dwelling.** | | |
| **Site Address/Location:** | | | **The Old Barn Bowfields Lane Balderstone BB2 7LW** | | |
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| **CONSULTATIONS:** | | | **Parish/Town Council** | | |
| None received. | | | | | |
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| **CONSULTATIONS:** | | | | **Highways/Water Authority/Other Bodies** | |
| **LCC (Highways):** | | | |  | |
| No objection. | | | | | |
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| **CONSULTATIONS:** | | | **Additional Representations.** | | |
| Four letters of objection have been received and object to the application for the following reasons:   * site access and intrusive noise; * "shared access drive" that is a narrow gravel path; * There is no bus service or street lighting as the area is open countryside; * There are no local amenities and the area is in no need of regeneration therefore there is no local need for this development; * The site lies outside any defined settlement boundary in a predominantly open and rural location in an area designated as open countryside; * The proposal is contrary to Key Statements and Policies in the Core Strategy; * The proposed development will introduce a new dwelling into an area of open countryside and will have the effect of urbanising the landscape; * The proposed building work would cause noise and inconvenience; * sewage system which is already overloaded and could not serve another house; * cannot understand how the existing trees could be preserved when a house is built. | | | | | |
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| **RELEVANT POLICIES:** | | | | | |
| **Ribble Valley Core Strategy:**  Key Statement DS1 – Development Strategy  Key Statement DS2 – Sustainable Development  Key Statement DMI2 – Transport Considerations  Key Statement H1 – Housing Provision  Key Statement H2 – Housing Balance  Policy DMG2 – Strategic Considerations  Policy DMG3 – Transport and Mobility  Policy DMH3 – Dwellings in the Open Countryside & AONB  **National Planning Policy Framework** | | | | | |
| **RELEVANT PLANNING HISTORY:**  No relevant planning history. | | | | | |
| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | |
| **Site Description and Surrounding Area:**  The application site forms part of the existing garden associated with The Old Barn, Bowfields Lane, Balderstone. The site is located in the open countryside. The Old Barn is one of a cluster of buildings comprising the original farmhouse of Balderstone Grange Farm and converted ancillary buildings around a central yard.  The application site comprises a lawn bounded by mature trees and shrubs. Beyond the site to the south and east is agricultural land. Access to the existing property is via a short driveway off Bowfields Lane.  Whilst it is stated so within the submitted Design Statement, the site is not located in the designated Green Belt and therefore references to Green Belt policy are not applicable. | | | | | |
| **Proposed Development for which consent is sought:**  Permission in Principle is sought for the erection of a new dwelling within the garden boundary of The Old Barn, Bowfields Lane, Balderstone.  The permission in principle (PiP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (‘technical details consent’) stage is when the detailed development proposals are assessed.  The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. It is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured and its terms may only include the site location, the type of development and amount of development.  The technical detail stage will provide the opportunity to assess the detailed design of the scheme to ensure that any impacts are appropriately mitigated and that the contributions to essential infrastructure, for example, are secured. If the technical details are not acceptable, the local authority can refuse the application. | | | | | |
| **Principle of Development:**  Having regard firstly to the matters of land use and amount of development, it appears reasonable to suggest that the site could accommodate one dwelling with associated private amenity space and parking. The County Highways Officer has raised no objections at this stage.  Detailed plans of the site layout and house types are not provided at this stage of the PiP application process and therefore any impact on adjacent land uses cannot be fully considered. However, the site is located next to existing residential development and bounds open agricultural land. There are no obvious concerns at this stage in terms of the compatibility of the proposed use with neighbouring land uses.  The development plan for the Borough is the Ribble Valley Core Strategy which was formally adopted in December 2014. Having regard to the latest published housing land supply position Council can demonstrate a five-year supply of housing land. The relevant policies for the supply of housing contained in the adopted Core Strategy can be afforded full weight and the presumption in favour of sustainable development is not engaged.  Key Statement DS1 states that:-  *‘The majority of new housing development will be concentrated within an identified strategic site located to the south of Clitheroe towards the A59 and the principal settlements of Clitheroe, Longridge and Whalley.’*  In addition to the strategic site at Standen and the borough’s principal settlements, development will be focused towards Tier 1 Villages, which are the more sustainable of the 32 defined settlements.  The application site lies in an area defined as open countryside and is detached from principal settlements and Tier 1 Villages. Core Strategy Policy DMG2 (Strategic Considerations) states that:-  *Within the Tier 2 Villages and outside the defined settlement areas development must meet at least one of the following considerations:*  *1. The development should be essential to the local economy or social wellbeing 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.*  As the application site lies outside a defined settlement area it must meet at least one of the considerations listed in Policy DMG2. Core Strategy Policy DMH3 relates specifically to dwellings in the open countryside and AONB. It reads:-  *Within areas defined as Open Countryside or AONB on the proposals map, residential development will be limited to:*  *1. Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied.*  *2. The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. Buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.*  *3. The rebuilding or replacement of existing dwellings subject to the following criteria:*   * *the residential use of the property should not have been abandoned.* * *there being no adverse impact on the landscape in relation to the new dwelling.* * *the need to extend an existing curtilage.*   In order to satisfy policies DMG2 and DMH3 in principle residential development in the open countryside or AONB must meet an identified local housing need or one of the other criteria. The provision of one open market dwelling would fail to meet any of the criteria to satisfy the abovementioned policies.  Balderstone is not a defined settlement as described in the Core Strategy Glossary. It is noted that some Planning Inspectors consider that the unsustainable nature of a dwelling is contrary to the aspirations of the Framework in respect of ensuring that isolated dwellings are not created. This issue was examined further at the Court of Appeal (Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 3743 (Admin)). In that case the Planning Inspector had considered that a proposal for new housing in the countryside would not result in new “isolated homes” because “there are a number of dwellings nearby”.  In the case of Braintree DC v SoS the Planning Inspector acknowledged that the nearby village had “a very limited range of services and facilities”. He found it was “likely that those occupying the dwellings would rely heavily on the private car to access everyday services, community facilities and employment” and he acknowledged that “this weighs against the development”. But the Inspector went on the state that it was “consistent with the Framework that sustainable transport opportunities are likely to be more limited in rural areas”.  In that case the Judge rejected the Council’s case, agreeing with the Secretary of State that the word “isolated” in paragraph 55 of the NPPF (now paragraph 79) should be given its ordinary, objective meaning. This is a home “far away from other places, buildings, or people; remote” (Oxford English Concise Dictionary). A home that “is isolated from services and facilities” is not, therefore, necessarily an “isolated home”.  The adjective, “isolated”, was the focus of argument before the Court. In the Judge’s view, in its particular context in paragraph 79 of the NPPF, the word “isolated” in the phrase “isolated homes in the countryside” simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, “isolated” in this sense will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand.  The word “isolated” refers to the sense of being separate or remote from a settlement. Although certain special exceptions are mentioned, the concept of concentrating additional housing within settlements is seen as being consistent with the promotion of “sustainable development in rural areas” than building isolated dwellings elsewhere in the countryside.  In this case it is acknowledged that the surrounding area is a well-settled part of the open countryside. Balderstone comprises a loose scattering of buildings and some concentration of ribbon development along Commons Lane. Given the presence of St Leonards Church and the adjacent primary school it is considered that Balderstone is a ‘village’ or ‘settlement’ in NPPF terms and therefore in this particular case the proposals would not be in direct conflict with paragraph 79 of the Framework.  Key Statement DMI2 requires new development to be located to minimise the need to travel, incorporating good access by foot and cycle and have convenient links to public transport to reduce the need for travel by private car. Policy DMG3 requires proposals to locate development in areas which maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities which they need to visit regularly.  Commons Lane is a narrow country lane without footways or lighting which would discourage any journey by future occupants on foot or by bicycle and there are limited to no public transport options. There are considered to be no day-to-day facilities that future occupants could reasonably be expected to reach without the use of a private motor vehicle.  Taking the above into account, the proposals are contrary to Key Statements DS1 and DMI2 and policies DMG2, DMG3 and DMH3 of the Core Strategy. | | | | | |
| **Conclusion:**  The proposal would result in an unjustified and unsustainable form of development within the countryside. The development would therefore conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the Core Strategy, which guide new housing development to within principal and tier 1 settlements, with housing within the countryside needing to demonstrate either an essential agricultural or local need.  The proposed development is also contrary to Key Statement DMI2 and Policy DMG3 given that it would result in an over reliance on the private motor vehicle. Accordingly, it is recommended that the application be refused. | | | | | |
| **RECOMMENDATION**: | | That the application be REFUSED for the following reasons: | | | |
| 1. The proposal is contrary to Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of a new dwelling in the open countryside without sufficient justification. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF. 2. The proposal would lead to the perpetuation of an unsustainable pattern of development, without sufficient or adequate justification, that does not benefit from adequate walkable access to public transport links, local services or facilities, placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and Section 9 of National Planning Policy Framework, Promoting sustainable transport. | | | | | |