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| **Report to be read in conjunction with the Decision Notice.** | | | | | |
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| **Application Ref:** | | 3/2020/0812 | | |  |
| **Date Inspected:** | | ~ | | |
| **Officer:** | | AB | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | **REFUSED** |
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| **Development Description:** | | | | **Removal of Condition 8 of planning application 3/2006/0821. To allow the use of the property as a permanent dwelling house.** | |
| **Site Address/Location:** | | | | **Loud Mytham Barn Mytham Road Chipping PR3 2TS** | |
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| **CONSULTATIONS:** | | | | **Parish/Town Council** | |
| None received. | | | | | |
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| **LCC Highways:** | | | |  | |
| No objections. | | | | | |
| **CONSULTATIONS:** | | | | **Additional Representations.** | |
| One letter of support has been submitted. | | | | | |
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| **RELEVANT POLICIES:** | | | | | |
| **Ribble Valley Core Strategy:**  Key Statement DS1 – Development Strategy  Key Statement DS2 – Sustainable Development  Key Statement EN2 – Landscape  Policy DMG1 – General Considerations  Policy DMG2 – Strategic Considerations  Policy DMH3 – Dwellings in the Open Countryside and AONB  Policy DMH4 – The Conversion of Barns and Other Buildings to Dwellings  **National Planning Policy Framework** | | | | | |
| **RELEVANT PLANNING HISTORY:**  3/2006/0821 - Change of use of rural building to holiday cottage and construction of garage/woodstore and stable block. Approved. | | | | | |
| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | |
| **Site Description and Surrounding Area:**  Consent is sought for the removal of condition 08 of planning permission 3/2006/0821 under section 73 of the Town and County Planning Act 1990. The application relates to the conversion of a rural building to a holiday cottage. The village centre of Chipping is approximately 2.7km away and the site lies within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).  Planning consent was granted under reference 3/2006/0821 in November 2006. This granted consent for the conversion of a stone building to form a single holiday cottage, with associated conditions restricting its use to that of solely holiday accommodation. This conversion to holiday accommodation was completed in 2008 and has functioned as a holiday let since then. | | | | | |
| **Description of Proposed Development:**  Condition 08 sought to restrict occupancy of the holiday cottage by any one person or group of persons for a continuous period of longer than 3 months in any one year and not to be used as a permanent accommodation.  The applicant seeks removal of condition 08. The effect of removing the condition would be the creation of an unrestricted market dwelling. | | | | | |
| **Principle of Development:**  The development plan in force at that time of the original permission was the Districtwide Local Plan with the relevant policies supportive of the conversion of rural buildings for tourism related uses which allowed for the maintenance of employment opportunities to offset the reduced importance of farming as a local source of employment.  Condition 08 was imposed to ensure that the building was used for genuine tourism purposes and not as a permanent dwellinghouse given the building was considered to be located in an area where the Local Planning Authority would not normally be minded to grant the use of building for a permanent residential accommodation.  The development plan for the borough now comprises the Core Strategy (adopted Dec 2014) and the Housing and Economic Development DPD and the revised NPPF is a material consideration. Key Statement DS1 sets out the Borough’s housing strategy. The majority of new housing development will be concentrated within the strategic site at Standen and the Borough’s principal settlements of Clitheroe, Whalley and Longridge. In addition, development will be focused towards the Tier 1 Villages, which are the more sustainable of the 32 defined settlements.  The development site is located in the Forest of Bowland AONB and outside the defined settlement areas. In this respect, when assessing the locational aspects of development, the second part of Policy DMG2 is engaged and requires development within the tier 2 villages and outside the defined settlement areas to meet at least one of six considerations including development for ‘local needs housing’.  Core Strategy Policy DMH3 also relates specifically to the provision of dwellings in the open countryside and AONB and seeks to restrict residential development in such areas unless the development meets one of three criteria. This includes, *‘residential development which meets an identified local need’* and ‘*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.’*  Policy DMH3 also states that *‘the creation of a permanent dwelling by the removal of any condition that restricts the occupation of dwellings to tourism/visitor use or for holiday use will be refused on the basis of unsustainability.’*  Core Strategy Policy DMH4 relates specifically to the conversion of barns and other buildings to dwellings and also contains a presumption against the creation of a permanent dwelling by the removal of any condition that restricts the occupation of dwellings to tourism/visitor use or for holiday use.  Firstly, in respect of the matter of ‘local need’, no evidence has been provided to suggest that the proposal would align with the definition of ‘local needs housing’ as defined within the Adopted Core Strategy which states that *‘Local needs housing is the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment’.* There is no local need in the Parish of Chipping for open-market over 55s dwellings identified by the housing waiting list, housing needs survey for the parish or the SHMA. The housing waiting list relates to the identification of affordable and specialist housing need and the housing needs survey aims solely to identify those in affordable housing need in the Parish. The SHMA relates primarily but not solely to that of affordable housing need. In addition, the holiday cottage is a large, detached 4-bed property that does not appear well-suited to the requirements of the applicant.  Paragraph 5.4 of the Planning Statement says that Loud Mythom Barn, if it had been left as a disused barn, would be fully compliant with Policy DMH4 and would not result in an isolated new home in the countryside. The Local Planning Authority do not agree with this statement insofar that the barn could be considered physically detached from the main farmhouse and is sited on elevated land. Nonetheless, the building was converted to holiday accommodation some 15 years prior.  Paragraph 5.5 claims that the Core Strategy renders itself silent in determining applications of this nature, as it is deemed that there is conflict between policies DMH3 and DMH4 and therefore, the Council must apply the presumption in favour of sustainable development. The local planning authority fundamentally disagrees with such a statement. To the contrary, both policies DMH3 and DMH4 state that the removal of restrictive occupancy conditions limiting use to holiday accommodation in order to create a permanent dwellinghouse will not be supported.  Further to this, reference is made to an appeal decision at Davis Gate Cottage, Clitheroe Road, Dutton, Longridge (Appeal Ref: APP/T2350/W/16/3164622) which sought the removal of an identical holiday let planning condition. The appeal was dismissed in March 2017 with the Inspector concluding that  *“the removal of the disputed condition and granting permission for an unrestricted residential use would be contrary to Policies DS1, DMG2, DMH3 and DMH4 of the Core Strategy which seek, amongst other things, to ensure that residential development is directed to appropriate locations with acceptable access to facilities in order to deliver sustainable patterns of development and to resist the creation of permanent dwellings by the removal of any condition that restricts the occupation of dwellings to tourism/visitor use or for holiday use”.*    At no point was it considered that the development plan was ‘silent’.  Reference is made in the Planning Statement to the requirement to deliver a sufficient supply of homes. The latest published position in relation to housing land supply is contained in the Council’s Five-Year Supply Statement March 2021 which demonstrates a deliverable 14.2-year housing land supply from the base date of 31st March 2021 against a Local Housing Need Requirement figure of 137 dwellings per year calculated using the ‘Standard Method’ (as per para. 3. of PPG Guidance ‘Housing supply and delivery). Therefore, the Council can comfortably demonstrate a deliverable 5-year supply of housing land and there is no impetus to permit additional housing in this open countryside location at present.  The Planning Statement refers to a decline in demand for the holiday let in recent years. However, the local planning authority continues to receive planning applications for the creation of new holiday accommodation, in particular citing the recent Covid-19 pandemic for a rise in the number of people now choosing to holiday closer to home. As such, the overall trend does not indicate that demand for holidaying in the Ribble Valley is in decline. The use of the existing unit is for a small-scale tourism development that is appropriate to a rural area; such developments aide in ensuring the economic vibrancy and vitality of rural communities and areas and can often be a good means of business diversification. Tourism and the provision of associated accommodation attracts visitors to the area. This brings a series of economic benefits in terms of visitors and their associated spending at visitor attractions, pubs, restaurants. The conversion to permanent residential use would not bring the same economic benefits and would have a negative impact on the rural economy contrary to the requirements of Policy DMH4 (4).  Considering the above, it is considered that the provision of a dwellinghouse in this location, which, would be contrary to the Development Strategy for the borough (Key Statement DS1) and fails to satisfy the requirements of policies DMG2, DMH3 and DMH4 | | | | | |
| **Locational Sustainability:**  Paragraphs 79 and 80 of the Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It states that isolated new homes in the countryside should be avoided unless there are certain circumstances, including where the development would re-use redundant or disused buildings and enhance its immediate setting.  There has been some examination of paragraph 80 and the word ‘isolated’ in High Court decisions. The Judge at the Court of Appeal (Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin)) concluded that, “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 judgment for the decision-maker in the particular circumstances of the case in hand”. The Judge confirmed further that, “Whether, in a particular case, a group of dwellings constitutes a settlement, or a "village", for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker”.  The proposed development would result in an isolated new home in the countryside given the building is remote from a settlement and the building is not ‘suitably located’ as required by Core Strategy Policy DMH3. As the building has already been sympathetically restored and retained, the removal of condition 08 is not needed to secure the conversion or enhancement of the building; none of the circumstances (a) – e)) in paragraph 80 of the NPPF apply.  Given the remote location and distance to services and facilities, residents of the dwelling would be heavily reliant on the private car for day-to-day access to services and facilities. The Planning Statement attempts to demonstrate that the site is sustainably located but in reality, the country lanes between the application site and Chipping are narrow and without the provision of footways and lighting. Moreover, the services and facilities within the village of Chipping are limited as recognised by its categorisation as a less sustainable Tier 2 village in the Core Strategy settlement hierarchy.  Transport considerations are key to the delivery of sustainable development. Key Statement DMI2 (Transport Considerations) and Policy DMG3 require new development to be located to minimise the need to travel and incorporate good access by foot and cycle and have convenient links to public transport to reduce the need to travel by private car. There are no public transport options and there are no day-to-day facilities that future occupants could reasonably be expected to reach without the use of a private motor vehicle. Future occupants of the proposed dwelling would be entirely reliant on the private car.  As such, in addition to the policy conflict identified above, the proposed development is also considered contrary to Key Statement DMI2 which states that new development should minimise the need to travel and Policy DMG3 given that it would result in complete reliance on the private motor vehicle. | | | | | |
| **Landscape and Visual Appearance:**  Policy DMH3 recognises the need to protect the open countryside from sporadic or visually harmful development but also provides a degree of provision for certain types of development to take place which would strike a balance between protecting the countryside and ensuring its vitality.  The proposed use as a permanent residential dwelling would result in some intensification of the use of the site; there would be an increase in the prevalence of domestic paraphernalia which would be damaging to the character and visual amenities of the Forest of Bowland and it would be questionable whether the removal of condition 08 would therefore afford the permanent occupant of the property householder permitted development rights which could result in harmful alterations and extensions to the building.  It is noted that the red edged area identified on the submitted location plan extends well beyond the original application site. Whilst this may have been submitted in error, as submitted the plan indicates that the land associated with the use of the building would extend beyond those areas previously approved and would therefore result in additional visual harm.  Great weight must be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty as required by NPPF paragraph 176 and Core Strategy Key Statement EN2 and the proposed development would fail to meet the requirements of both local and national policies in this regard. | | | | | |
| **Other Considerations:**  Whilst consideration has been given to the personal circumstances of the applicant, it is not considered that this would outweigh the identified conflict with both local and national planning policy. | | | | | |
| **Conclusion:**  In summary, the removal of Condition 08 would be contrary to Key Statements DS1, DMI2 and EN2 and policies DMG1, DMG2, DMG3, DMH3 and DMH4 of the Ribble Valley Core Strategy and paragraphs 80 and 176 of the National Planning Policy Framework. Accordingly, it is recommended that the application be refused. | | | | | |
| **RECOMMENDATION**: | | | That planning consent be refused. | | |
| **01** | The proposal is considered contrary to Key Statement DS1 and policies DMG2, DMH3 and DMH4 of the Ribble Valley Core Strategy and paragraph 80 of the Framework as it would result in harm to the rural economy and lead to the creation of an unsustainable and isolated new dwelling in the Forest of Bowland AONB without sufficient justification causing harm to the development strategy for the borough. | | | | |
| **02** | 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. | | | | |
| **03** | The proposal, by virtue of the impact of domestic paraphernalia such as parked vehicles, sheds, washing lines, children's play equipment and fence lines, would represent an urban encroachment to the significant detriment of the character and appearance of the protected landscape, contrary to Core Strategy Key Statement EN2 and policies DMG1, DMH3 and DMH4 of the Ribble Valley Core Strategy and NPPF paragraph 176. | | | | |