|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| RIBBLE VALLEY BOROUGH COUNCIL | | | |  |  |
| Development Department | |  |  |  |  |
| Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA | | | |  |  |
| Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk | | | | |  |
| Town and Country Planning Act 1990 | | |  |  |  |
| REFUSAL OF PLANNING PERMISSION | | | | | |
| **APPLICATION NO:** | 3/2021/1008 | |  |  |  |
| **DECISION DATE:** | 12 May 2022 | |  |  |  |
| **DATE RECEIVED:** | 22/10/2021 | |  |  |  |
|  | | | | | |
| **APPLICANT:** |  |  | **AGENT:** |  |  |
| Mr Michael and Mrs Liz Bell  Manor Farm  Chipping Road  Chaigley  Clitheroe  BB7 3LS | |  | Mr James Ellis  Rural Solutions  Canalside House  Brewery Lane  Skipton  BD23 1DR | | |
|  |
|  |
|  |
|  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **DEVELOPMENT PROPOSED:** | | | | | Proposed new house of exceptional quality (NPPF Paragraph 80e) of Passivhaus Plus and Zero Energy design with associated landscaping and biodiversity enhancements. | | |
| **AT:** | | Land at Higher Hodder Bridge (Field to South) Chipping Road Chaigley Clitheroe BB7 3LP | | | | | |
| Ribble Valley Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission **has been refused** for the carrying out of the above development for the following reason(s): | | | | | | | |
| 1 | | | The Core Strategy for the Ribble Valley seeks to direct development towards the most sustainable settlements as set out within the spatial vision for the borough within Key Statement DS1. The location proposed for development is outside of any settlement boundary, as defined in the Housing and Economic Development DPD Proposals Map, and is, therefore, in open countryside. Policies DMG2 and DMH3 of the Local Plan precludes residential development in the countryside unless certain tests are sufficiently met. In this respect the proposal is in direct conflict with these policies.  The submission contends that the scheme meets the criteria of Paragraph 80 (e) of the NPPF, however as the site is not considered isolated the essential key requirement of Paragraph 80 is not met in this instance.  P.T.O. | | | | |
| 2 | | | Notwithstanding the fundamental matters of principle with regard to “isolation” the proposed development is not considered to represent truly outstanding design.  The design is a pastiche of Georgian Architecture with no distinction or invention and the inclusion of energy efficient features within a new build properties is not considered to represent outstanding design. The dwelling would lack the context of a traditional country estate which would have evolved through a set of specific economic and social circumstances.  As such the proposal is not considered to be outstanding or raise the standard of design and does not meet the exceptions set out at para 80e of the NPPF. | | | | |
| 3 | | | The proposal would fundamentally change the local landscape which has remained as agricultural land for over 150 years and would confuse the significance of the historic hierarchy of land uses which are an important characteristic of the AONB.  It would not significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area and does not meet the exceptions set out at para 80e of the NPPF. | | | | |
| 4 | | | The site lies directly adjacent to Grade II listed Higher Hodder Bridge with the principal entrance to the site taken directly adjacent to it and in its immediate setting. The formation of ornate entrance gates in the immediate setting will draw the focus away from the bridge and detract from its significance.  The proposal fails to make a positive contribution to local character and distinctiveness as it will detract from and confuse historic patterns of development and the hierarchy of dwellings founded in historic economic and social circumstances.  It is considered that the proposal would constitute harm to the wider setting of the nearby listed historic houses, the immediate setting of the bridge and the cultural heritage of the AONB which is not outweighed by public benefit and as such is contrary to the NPPF para 197 and 202 and policies EN2, EN5 and DME4 of the core strategy. | | | | |
| 5 | | | The submission fails to provide sufficient details with respect to the site access. There is no information provided with regard to visibility splays at the site entrances. In the absence of this it is not demonstrated that the intensification of the use of the access points would be acceptable in terms of highway safety. | | | | |
| 6 | | | The site partially lies within Flood Zones 2 and 3 as defined on the Environment Agency maps. No flood risk assessment has been included with the submission and therefore the impact of the proposal in terms of flood risk cannot be assessed. The proposal does not accord with Core Strategy Policy DME6 or the requirements at paragraph 167 of the National Planning Policy Framework and National Planning Practice Guidance. | | | | |
|  | | |  | | | | |
| P.T.O. | | |  | | | | |
|  | | |  | | | | |
| **Note(s)** | | |  |  |  |  |  |
| 1  2 | | | |  | | --- | | Applications for planning permission are assessed against the National Planning Policy Framework and the policies within the Core Strategy for the Ribble Valley.  The Local Planning Authority adopts a positive and proactive manner and will consider representations, liaise with consultees, and seek amendments to proposals where appropriate within statutory timescales.  The proposal does not comprise sustainable development and there were no amendments to the scheme, or conditions that could reasonably have been imposed, which could have made the development acceptable. It was therefore not possible to approve the application. | |  | | | | | |
|  | | |  | | | | |
|  | | |  | | | | |
|  | | |  | | | | |
|  | | |  | | | | |
|  | | |  | | | | |
|  | | |  | | | | |
| John Macholc  **pp NICOLA HOPKINS**  **DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING** | | | | | | | |

**Notes**

**Right of Appeal**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

· If you want to appeal against your local planning authority’s decision then you must do so within 6 months of the date of this notice.

· If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority’s decision then you must do so within 12 weeks of the date of this notice.

· If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority’s decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority’s decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

**Purchase Notices**

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.