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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | |
| **Signed:** | | **Officer:** | SK | | | | **Date:** | 2.11.22 | **Manager:** | | **NH** | **Date:** | **03.11.22** |
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| **Application Ref:** | | | | | 22/0829 | | | | |  | | | |
| **Date Inspected:** | | | | | N/A | | | | |
| **Officer:** | | | | | SK | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | **REFUSAL** | | | |
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| **Development Description:** | | | | | | Change of use from domestic annexe to an independent dwelling. | | | | | | | |
| **Site Address/Location:** | | | | | | Mount Pleasant Ribchester Road Hothersall PR3 3XA | | | | | | | |
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| **CONSULTATIONS:** | | | | | | **Parish/Town Council** | | | | | | | |
| Hothersall parish Council have raised no objection to the proposal. | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | |
| **LCC Highways:** | | | | | |  | | | | | | | |
| The Local Highway Authority have offered the following observations:  *Lancashire County Council acting as the Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.*  ***Site Access***  *The LHA are aware that the site will be accessed off Ribchester Road which is a B*  *classified road subject to a 40mph speed limit. The LHA have reviewed the supporting documents and require a more detailed site access plan to be submitted to supplement the application. This is because the LHA require further information as to whether the access will serve the host dwelling as well as the proposed or whether each dwelling will have their own access with the access being split in half by a wall.*  *Should the access be shared, the LHA require the access to be a minimum of 4.25m wide. While should there being an access for each dwelling, the access serving the proposed dwelling should be a minimum of 2.75m wide. The LHA also require on the site access plan, the access to show the sites vehicular visibility splays. The LHA advise the Applicant/ Agent that an access served off a 40mph road is required to provide visibility splays of 2m x 65m in both directions.*  *However, should the access fail to provide the minimum visibility splays, the LHA require the maximum levels to be shown on the drawing. This is because the LHA may accept the shortfall in visibility given the previous use of the building.*  ***Internal Layout***  *The LHA have reviewed the supporting documents and require a parking plan to be submitted showing that the proposed dwelling can provide a minimum of 2 car parking spaces to comply with the parking standards as defined in the Joint Lancashire Structure Plan.*  ***Conclusion***  *The LHA require further information in the guise of a scaled access plan and a parking plan to ensure that the proposed dwelling complies with the LHAs guidance* | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | | **Additional Representations.** | | | | | | | |
| No representations received in respect of the application. | | | | | | | | | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | |
| **Ribble Valley Core Strategy:**  Key Statement DS1 – Development Strategy  Key Statement DS2 – Sustainable Development  Key Statement DMI2 – Transport Considerations  Policy DMG1 – General Considerations  Policy DMG2 – Strategic Considerations  Policy DMG3 – Transport & Mobility  Policy DMH3 – Dwellings in the Open Countryside  National Planning Policy Framework (NPPF) | | | | | | | | | | | | | |
| **Relevant Planning History:**  **2020/0071:**  Change of use of holiday cottage to annexe attached to Mount Pleasant. (Approved)  **2008/0168:**  Bedroom and lounge extension to holiday cottage in grounds. (Approved) | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application relates to an existing single storey residential annexe located within the defined residential curtilage of the dwelling known as ‘Mount Pleasant’. The site is outwith any defined settlement limits being located within the designated Open Countryside. | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The application seeks consent for the change of use of the existing residential annexe to that of a single independent residential dwelling. The submitted details provide a proposed site plan that indicates that the proposed dwelling will benefit from an extensive curtilage area, however it would appear that areas of the proposed curtilage include a shared access track that facilitates access to the adjacent agricultural land to the south-west. The submitted details do not propose any exterior alterations to the existing building. | | | | | | | | | | | | | |
| **Principle of Development:**  Given the proposal seeks consent for that of the creation of a new independent residential dwelling outside of defined settlement limits, located within the defined open countryside.As such, Policies DMG2 and DMH3 of the Ribble Valley Core Strategy are engaged for the purposes of assessing the proposal.  Policy DMG2 of the Ribble Valley Core Strategy seeks to restrict residential development within the open countryside and Tier 2 Village settlements to that which meets a number of explicit criteria, with Key Statement DS1 also reaffirming these criteria and setting out the overall spatial aspirations for development within the Borough.  In respect of assessing the submitted proposal, Policy DMG2 remains fully engaged. Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located ‘in’ principal and tier 1 settlements with the second part of the policy DMG2(2) being engaged when a proposed development is located ‘outside’ defined settlement areas or within tier 2 villages, with each part of the policy therefore being engaged in isolation and independent of the other dependant on the locational aspects of a proposal.  The mechanics and engagement of the policy are clear in this respect insofar that it contains explicit triggers as to when the former or latter criterion are applied and the triggers are purely locational and clearly based on a proposals relationship to defined settlement boundaries and whether, in this case, such a proposal is ‘in’ or ‘outside’ a defined settlement.  The proposal is located outside of any defined settlement limits, in this respect, when assessing the locational aspects of development, Policy DMG2(2) remains engaged which 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.*   It is clear from the submitted details that the proposal could not be argued as being ‘essential to the local economy or social wellbeing of the area’ nor could it be considered that the proposal ‘is needed for the purposes of forestry or agriculture’.  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’*.  In light of the above matters, it cannot be considered that the proposal meets any of the exception criterion contained within Policy DMG2 in relation to the creation of new dwellings outside of defined settlement limits.  Policy DMH3 is also applicable given the sites location outside of any defined settlement limits with the policy providing further context stating that:  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 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 sustainability.*   In light of the above it cannot be considered that the proposal meets any of the exception criterion contained within either Policies DMG2 nor DMH3 of the Ribble Valley Core Strategy in relation to the creation of new dwellings outside of defined settlement limits.  As such, taking account of the above, proposal is considered to be in direct conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the Adopted Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, located outside of a defined settlement boundary, without sufficient justification - insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposal would meet any of the exception criterion inherently contained within either of the policies. | | | | | | | | | | | | | |
| **Visual Amenity/External Appearance:**  Given the proposal does not seek consent for any alterations or additional built form it is not considered that the proposal will result in any detrimental impact upon the character or visual amenities of the immediate area or the character or visual amenities of the wider designated open countryside. | | | | | | | | | | | | | |
| **Landscape/Ecology:**  No implications resultant form the proposal. | | | | | | | | | | | | | |
| **Other Matters:**  The appellant, within the supporting information, has made reference to a recent Inspectors decision (APP/T2350/W/21/3285462) (‘Tippings Meadow Decision’) whereby an appeal was allowed for the change of use from that of an annexe to that of a separate dwelling.  In determining the appeal the authority considers that the Inspector has erred in their engagement of Policy DMG2, particularly in relation the weight afforded to the policy.  Whilst the Inspector, when determining the appeal, recognised that *‘the proposal would fail to comply with Core Strategy Policy DMG2 which outlines the development strategy for the* borough’ they further stated that *‘I therefore find on the basis of the evidence before me in this case, that the conflict with the development plan, which post-dates the current Framework, is outweighed by other material considerations’.* However, in reaching their conclusion the Inspector failed to identify the ‘other material considerations’ that outweighed policies inherent to the adopted development plan.  Notwithstanding this matter, it is important to also note that in relation to the ‘Tippings Meadow Decision’, the Inspector also found that *‘the site is not isolated and is in a sustainable location on the edge of Wilpshire, a Tier 1 settlement, where local services can be accessed. In terms of the overall objective of the Framework, achieving sustainable development, the proposal would, in my view, accord’.*  Taking account of the above, it is clear therefore that the ‘Tippings Meadow’ appeal related to a site that benefits from being directly adjacent to a Tier 1 settlement, also being within walking distance of nearby services and facilities. Neither of which applies to the current application. As such it is not considered that the ‘Tippings Meadow’ decision is relevant in relation to the determination of the current application, nor would the decision warrant a deviation in the continued engagement and application of currently adopted development plan policies, namely Policies DMG2 and DMH3.  Further to the above, the building to which the application relates is located in an area that is considered to be significantly remote from a wide range of services or facilities. Taking this into account, it is further considered that approval would result in the creation of a new residential dwelling in a location that would lead to and perpetuate an already unsustainable pattern of development, without sufficient or adequate justification, insofar that occupants of the residential dwelling would fail to benefit from adequate walkable access to 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 the National Planning Policy Framework presumption in favour of sustainable development. | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal. | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | | That planning consent be refused for the following reason(s). | | | | | | | | | |
| **01:** | The proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Adopted Ribble Valley Core Strategy insofar that approval would lead to the creation of a new residential dwelling, located outside of a defined settlement boundary, without sufficient justification - insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposal would meet any of the exception criterion inherently contained within either of the policies. | | | | | | | | | | | | |
| **02:** | The creation of a new residential dwelling in this location would lead to an unsustainable pattern of development, without sufficient or adequate justification, insofar that occupants of the residential dwelling would fail to benefit from adequate walkable access to 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 the National Planning Policy Framework presumption in favour of sustainable development. | | | | | | | | | | | | |