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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **KH** | **Date:** | **03/04/24** | **Manager:** | **LH** | **Date:** | **04/04/24** |
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| **Application Ref:** | 2022/0841 |  |
| **Date Inspected:** | 06/03/24 | **Site Notice****expires:** | 27/03/24 |
| **Officer:** | KH |
| **DELEGATED ITEM FILE REPORT:**  | **APPROVAL** |
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| **Development Description:** | Retention of pond and footpath to southern edge of pond.  |
| **Site Address/Location:** | Land at the corner of Moorgate Lane and Kenyon Lane Langho BB6 8AN |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| **Dinckley Parish Council:****Original response** - Following a meeting held on the 20th February to ascertain the general feelings of the immediate affected residents of the Parish regarding this application. The residents who attended unanimously objected to the planning application with explanation and evidence to support this.We have to make reference to the previously agreed allotment 3/2019/0912, as this is one of the main reasons the residents want to the reject the application. In principle the Residents have no objection to the strip of land being used as an allotment but due to numerous breaches since approval of this original allotment and also Mr Strummer’s imminent Pre-Application for change of use (advised by the planning office) to be followed by a Holiday dwelling Application, involving a Tiny House Dwelling, he has in situ on site without planning permission, also he has sought to be awarded an exemption certificate from the Camping Club for the existing Allotment.The Allotment has never been used as an Allotment since receiving Approval of which the Breaches confirm. As the evidence is clear, we have no doubt that the present application is steeping stone for another change of use in the very near future in conjunction with imminent plans for the original Allotment.The current application 3/2022/0841Firstly there are some anomalies:1. The allotment listed as Greystones belongs to Merlewood House;
2. There is no longer an outdoor swimming pool at Greystones House;
3. Existing plans are not what is in situ at the present – the full pond, rockery, decking and lawned areas in the plans have already been built and erected without planning permission;
4. Double vehicle gates – there is no planning permission been approved for vehicles gates only to gain access to the Allotment by foot;
5. Several trees are missing that should be in situ but have been felled;
6. Greenhouse has now been dismantled;
7. The shed has not had permission for the added structure on the side, this should not be on the plans;
8. The application does not advise that the Allotment site is close and adjacent to a Roman Road, which is of geological conservation importance. The Roman Road runs through the garden and house of Greystones House.

The plans in this location are not in fitting with the environment and do not resemble an Allotment for this area and setting. With the addition of decking and seating would create noise and disturbance to residents and wildlife.The plans are for an ornamental garden with flora and fauna and materials not in keeping with the natural habitat, going against Policy DME3 Site and Species Protection Conservation so affecting biodiversity in an Agricultural environment with Sheep livestock in the adjacent field.This ornamental garden (allotment) has to be decided, as part of the bigger planning picture and to be rejected as being again applied for under false pretences, to coincide with the original Allotments forth coming applications, to adapt as a camping facility using the Tiny House, being part of the Wild Trails Camping Club.This then would be detrimental to the local area; the infrastructure would be under great pressure and so would the wildlife and fauna and the wellbeing of the residents and the Environment as per the Policy and Statements from the Core Strategy 2008 – 2028.The Parish therefore strongly object to the Application on the above justification and explanation to the bigger picture.**Revised response to the Amended Scheme:**Maintain objection. The plot is landlocked and accessed through an allotment. What will the continued use of the plot be? The pond resembles a dipping/swimming pool in size and is surrounded by decking and rockeries and a boarded footpath. This could all be reinstated.It would be completely wrong and inequitable to grant the application when considering the history of this and adjoining plot. Whenever the future use it adjoins to private house and there is every possibility of noise, light pollution and general nuisance affecting these properties if the use continues.For these reasons and the fact it constitutes urbanisation of the countryside the application should be refused and the whole plot returned to agricultural farmland. |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
|  | **N/A** |
| **Public Representations** |
| Neighbour representations have been received from 8 separate addresses raising the following objections:* The land now appears to be a residential garden with pond and decking for social use;
* I concur with the objection submitted from the Parish Council;
* The amended description of the works does not alter the fact that this parcel of land has not been and never will be, used as an allotment;
* Based on the Ribble Valley Planning Act and precedents established before 2022, it is unequivocally evident that the authority bears a fundamental duty to uphold the integrity of planning processes and to deter deliberate misrepresentation.
* Permitted continued misinterpretations and non-compliance on a particular site would manifest a disregard for subsequent enforcement actions. Therefore, I strongly advocate for rejecting this specific application under consideration;
* I urge the responsible officer to conduct an on-site visit to ascertain the evident breach of previous applications;
* No evidence exists of an allotment or genuine effort to cultivate produce;
* The site plans and view points submitted demonstrate that it is currently impossible for the site to be described and used as an allotment as two thirds comprise a pond, decking, a rockery and mature shrub/flower beds. This results in a formally laid out ornamental, residential garden in contravention of the planning rules and policies and constitutes urbanisation of the countryside;
* The plot abuts two long standing, substantial, detached country properties and is an invasion of their privacy;
* This plot does not appear to have been run as an allotment so this would be strong evidence the same would be likely to continue to happen for the current application;
* The adjacent plot contains unlawful oversized structures which continue to be altered daily as well as other structures which have appeared; and
* The site constitutes a business and commercial use and sales pitch with the Tiny House offered for sale online with concerns that these activities would extend and continue to this new plot.

**Additional comments received to the Amended Scheme:*** I am sure that this pond and decking will be a source of noise and privacy invasion;
* This latest proposal does not display a pond image but a natural swimming pool; the extensive surrounding decking allowing access, pool type design along with incongruous planting all add considerable weight to the pool characterisation;
* My concerns are that is approved inconsiderate recreational activities will cause regular nuisance to adjoining houses with ongoing incidents intensifying.
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1 – Development StrategyKey Statement DS2 – Sustainable DevelopmentPolicy DMG1 – General ConsiderationsPolicy DMG2 – Strategic ConsiderationsPolicy DME1 – Protecting Trees & WoodlandPolicy DME3 – Site and Species Protection and ConservationNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:**3/2022/1038 – Proposed development of a holiday cottage – Refused.3/2019/0912 – Erection of timber shed and greenhouse in association with use of land as an allotment – Approved. |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application relates to a relatively small and linear piece of land totalling 0.03 Hectares. The area is largely rural in character with a small number of dwellings and farmsteads being located in the vicinity. The area of land to which the application relates is located outside of a defined settlement and is designated as open countryside.The application site abuts other land to the west also within the applicants ownership, which includes an existing access from Kenyon Lane. There are a number of existing trees within and adjacent to the site. |
| **Proposed Development for which consent is sought:**The original submission has been amended with permission now sought for operational development only to retain the pond and footpath to the southern edge of the pond wrapping around to the west of the pond. No change of use is proposed, nor any ornamental landscaping.  |
| **Principle of Development:**The application site is located within the countryside. The proposal would therefore need to accord with the aims and objectives of Policies DMG1 and DMG2. Policy DMG2 supports development needed for the purposes of agriculture. The lawful use of the site is agriculture. Given no change of use of the land is proposed it is not considered that retention of the pond and walkway raises any potential conflicts in respect of policy DMG2. |
| **Impact Upon Residential Amenity:**The nearest residential properties are Greystones, a detached house sited to the south, Merlewood, a detached house sited to the south east, and Megitta House, a detached property to the west.The land immediately adjoins the residential curtilage of Greystones and is bounded by an existing post and wire fence and shrubbery.Given that the use of the land will remain for that of agriculture and taking account of the modest scale of the proposed walkway it is not considered that the proposed development will give rise to any activities that would have any measurable detrimental impact on nearby residential amenities. Whilst third party concerns about the potential use of the pond for swimming and paddling are noted, the pond is intended as a wildlife pond and a recent visit to the site confirmed that wildlife are present in the pond. Any use of the pond, or decking, for leisure activities would fall outside the scope of any permission granted given that a change of use is not being proposed here.As such it is not considered that retention of the pond and walkway raises any potential conflicts in respect of policy DMG1 (Amenity). |
| **Visual Amenity/External Appearance:**Given the location within the defined open countryside consideration must be given for the potential for the proposal to cause harm to the character or visual amenities of the area, as well as to the nature of the use and whether it is considered appropriate given the designation of the area whilst taking account of surrounding land uses.In this respect Policy DMG1 states that in determining planning applications, all development must, amongst other criterion, be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials. In this respect the proposal does not involve a change of use from its current agricultural status and therefore would be sympathetic to nearby land uses insofar that the surrounding areas of land are agricultural and residential in nature. It should be noted that an allotment use can be considered to fall into the definition of agriculture. Policy DMG2 provides further context stating that within the open countryside development will be required to be in keeping with the character of the landscape. In this respect, it is not considered that the scale and nature of the scheme would be out of keeping with the character of this open countryside location.The use of the land will remain as agricultural and it is considered that the retention of the pond and footpath only in this location would not result in any undue impact on nearby land uses or result in a detrimental impact on the visual amenity of the defined open countryside and that of the immediate surrounding area. The proposal therefore accords with policies DMG1 and DMG2. |
| **Trees and Ecology:**The pond and paths are already in situ on the site. The pond is not sited near any existing trees and the timber decked path is considered to have a limited impact on trees. There is no conflict with policy DMG1.The proposal is considered to support the site’s potential for wildlife and therefore accords with policy DME3 in this respect. |
| **Other Matters:**Concerns raised have related to the use of the site for non-agricultural purposes and the erection of unauthorised structures. These matters have been the subject of investigation by the Council’s enforcement team and the structures are in the process of being modified to reflect those approved under 3/2019/0912. In addition some decking at the eastern extent of the site was in the process of being removed when the case officer visited the site and this element together with the rockery has been removed from this application. This application must be considered on its own merits. Any unauthorised structure sited on the adjacent land and any associated unauthorised uses are not a reason to refuse this application. There are mechanisms in place to deal with such matters and, as stated above, this has been investigated separately. Concerns over unlawful use of the site are also not a consideration for this application, which has to be assessed based on the information and plans presented. Should any issues arise then it would be matter for enforcement to investigate and take any action deemed appropriate.In terms of future plans for the site and a potential camping and caravanning licence these matters can not be considered as part of this application because they do not form part of the development proposal. Should this be pursued and planning permission required then this would be duly assessed (including public consultation) in a future planning application.The proposal lies to the north of the line of the Roman road from Ribchester to Elslack, a non-designated heritage asset recorded on the Lancashire Historic Environment Record, PRN31254. The road is, however, unlikely to have been of such a width here and so it is very unlikely that buried archaeological remains would have been extended within the application site. Furthermore had there been any concerns then a response from Lancashire County Council’s Archaeology team would have been received. Therefore archaeology is not a matter for consideration in this case.   |
| **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 approval. |
| **RECOMMENDATION**: |  |
| That planning permission be approved subject to appropriate conditions. |