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| 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:** | 3/2022/0988 | |  |  |  |
| **DECISION DATE:** | 01 September 2023 | |  |  |  |
| **DATE RECEIVED:** | 05/12/2022 | |  |  |  |
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| **APPLICANT:** |  |  | **AGENT:** |  |  |
| Mr Hussain  C/o Nisiac House  1 Cunningham Court  Lions Drive  Blackburn  BB1 2QX | |  | Mr Francis Shaw  Shaw and Jagger Architects Ltd  1 Cardale Park  Beckwith Head Road  Harrogate  HG3 1RY | | |
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| **DEVELOPMENT PROPOSED:** | | | | | Proposed erection of one private dwelling with landscaping and demolition of equestrian development. | | |
| **AT:** | | Land Adj to Further Lane and Woodfold Park Mellor BB2 7QA | | | | | |
| 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 proposal would result in a new dwellinghouse outside of a defined settlement which fails to meet any of the exception criteria for allowing development in such locations and which would be dependent on the use of private motor vehicles. The harm that would arise from this development would be contrary to Key Statement DS1 and policies DMG1, DMG2 and DMG3 of the Ribble Valley Core Strategy 2008 - 2028 as well as the National Planning Policy Framework which supports sustainable patterns of development. There are no material considerations which justify deviating from the Development Plan in this case. | | | | |
| 2 | | | The proposal would result in inappropriate development within the Green Belt which would be harmful to the Green Belt character and would result in a loss of openness by virtue of the scale and siting of the built development and the enclosing landscape. There are no very special circumstances that exist to justify allowing this inappropriate development and loss of openness. Therefore the proposal would be contrary to Key Statement EN1 of the Ribble Valley Core Strategy 2008 - 2028 and the National Planning Policy Framework. | | | | |
| 3 | | | The proposal would result in harm to the setting of the adjacent Grade II Listed Historic Park and due to its siting, scale and design would be contrary to Key Statement EN5 and Policy DME4 of the Ribble Valley Core Strategy 2008 - 2028 as well as the National Planning Policy Framework. P.T.O. | | | | |
| 4 | | | The proposal would result in an incongruous form of development which would be harmful to the visual amenity of the local area by virtue of the scale and design of the proposed dwellinghouse and the urbanising impact of the totality of built development proposed. This would be contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy 2008 - 2028 as well as the design principles outlined in the National Planning Policy Framework. | | | | |
| 5 | | | The proposal fails to demonstrate that it has provided the necessary mitigation outlined in the submitted Ecology Report. In particular there are concerns about the landscape proposals which fail to provide and protect wildlife corridors and enhance their connectivity with the nearby Woodfold and Jeffery Woods Biological Heritage Site.  The submitted Ecology Report states that a Biodiversity Net Gain of more than 10% can be achieved. However, as this would be dependent on the outstanding survey work for Great Crested Newts, bats and nesting birds/barn owls this can not be substantiated.  The proposal fails to adequately protect and enhance protected species and habitat contrary to Key Statement EN4 and policy DME3 of the Ribble Valley Core Strategy 2008 -2028 as well as the National Planning Policy Framework. | | | | |
| 6 | | | The proposal fails to demonstrate that the proposed site access arrangements are safe and suitable to serve the development as such there are highway safety concerns contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008 - 2028 as well as the National Planning Policy Framework. | | | | |
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| **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. | |  | | | | | |
| Nicola Hopkins  NICOLA HOPKINS  DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING | | | | | | | |
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**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/appeal-planning-decision> . If it is a householder appeal it can be made online at: <https://www.gov.uk/appeal-householder-planning-decision> . 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.