|  |
| --- |
| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **KH** | **Date:** | **01/06/23** | **Manager:** | **LH** | **Date:** | **06/06/23** |
|  |
| **Application Ref:** | 2022/1038 |  |
| **Date Inspected:** | 17/01/23 | **Site Notice:** | N/A |
| **Officer:** | KH |
| **DELEGATED ITEM FILE REPORT:**  | **REFUSAL** |
|  |
| **Development Description:** | Proposed development of a holiday cottage |
| **Site Address/Location:** | Land at the corner of Moorgate Lane and Kenyon Lane Dinckley BB6 |
|  |
| **CONSULTATIONS:**  | **Parish/Town Council** |
| **Dinckley Parish Council:**We were content for the applicants to use their small plot as an allotment. However, it has become cleat that they were working hard to develop it into something more and this application bears that out.We have the following comments:1. The original consent for agricultural use allowed one shed and one greenhouse. The planning statement states two sheds and a greenhouse were permitted. The applicants have erected a third shed which encases a container and a fourth on the larger of the two plots edged blue. These seem not to be subject of any planning application or consent. The sheds are insulated and serviced with water, electric and drainage;
2. Holiday accommodation in this location is bound to cause noise and light pollution to Greystones and the surrounding area;
3. The access is dangerous. Kenyon Lane is a busy, narrow, single track public highway and a very busy public footpath to the River Ribble and bridge. The area is darken by a tall fence erected on Kenyon Road by the applicants;
4. At 106 sq.m. this is a large area of living accommodation, larger than many new houses;
5. Many people now feel that the Ribble Valley has reached saturation point with holiday accommodation and Air B&B. Many places are rarely full and grossly under utilised;
6. Other applications within the area are farmers seeking to diversify and or develop redundant buildings contrary to policies DMG1, DMG2, DMB3 and EN1;
7. An application (3/2015/0174) for a small garage on a plot of agricultural land which was previously refused in 2015 as it would result in urbanisation of the countryside and these policies should lead to the same conclusion here;
8. If granted this is likely to be the tip of the iceberg leading to applications for further chalets in the three plots owned
9. Foul sewage will be dealt with by a package treatment plants which are unsuitable for holiday homes as they rely on a constant supply of sewage;
10. It is understood that underground tanks are already in place. Strict rules apply for the siting of tanks and discharge has to be 10m away from water courses, the building, any residence and 3m from the boundary which seem unlikely on this small plot. Also strict rules for soakaways which might not be appropriate;
11. The site contains trees used by bats and owls and further development would disturb wildlife;

Taking these factors into account we feel holiday accommodation is inappropriate and should be refused.We note that the applicant has provided a plan for the visibility splays. We wish to point out that the applicant does not own nor control the area within the suggest visibility splays and is therefore unable to guarantee that it will remain free from obstruction in the future and as a result cannot be considered an acceptable solution. |
|  |
| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC Highways:** |  |
| No objections subject to conditions: Access of Kenyon Lane which is unclassified and subject to 30mph limit utilising the same access which serves the allotment.Two parking spaces can be provided within the site which is acceptable.The turning head may result in conflict with the gate and the recommended reversing space from a car parking space is 6m.Revised plans have been submitted which show the site visibility splay 2.4m x 43m in both directions.The turning head/parking space has not been amended.LCC Highways will require a new parking plan to be submitted with there being inadequate turning facilities to exit the site in forward gear which is important given the single track nature of Kenyon Lane. No objections subject to conditions relating to construction management plan, access arrangements, visibility splays, surfacing, parking plan and cycle storage. |
| **United Utilities:** |
| There are no known public sewers in the vicinity. UU will not allow building over or in close proximity to a water main. It is the applicant’s responsibility to demonstrate the exact relationship between UU’s assets and the proposed development. |
| **LCC Archaeology:** |
| The proposals lie approximately 10m 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 that buried archaeological remains are likely to have been extended to within the redline boundary of the application. Therefore archaeology does not need to be considered for this application.  |
| **Public Representations.** |
| Six responses received raising the following concerns:* We want to see green fields and not wooden chalets;
* Development has been carried out under cloak of secrecy behind a high fence and locked gates;
* Kenyon Lane is a dangerous single track, very busy public highway and footpath which would be exacerbated by more traffic and a bad S bend. This is made worse by a 2m high fence running 150m or so down the lane making darker and tunnel like and will be worse in summer. The owner never cut the hedge. We thought that next to a public highway a fence was limited to 1m;
* There are no street lights on Kenyon Lane;
* An application was refused for a car park directly opposite this site in 2020 which should be taken into account when considering more cars parking on this site;
* Applications for holiday homes have reached saturation point;
* The site is not being and never has been used for growing produce as an allotment;
* The Council is either complicit in failing to enforce or incompetent as it is clear that this is a further attempt to change the use of the area and circumnavigate the legitimate planning process;
* The reason for this application is for the sole purpose of eventually turning it into a home;
* The applicants live in a rented property;
* This site is not a farm and has no association with the farm;
* There are already 10 glamping cabins and will eventually be 14 within 300m of the site;
* There is also self catering lodges at Ribble Valley View less than a mile away; and
* This is an attempt to gain full planning permission for a dwelling on the site.
* The applicant does not own land within the suggested visibility splays

One response has been received in support of the proposal. |
|  |
| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1 – Development StrategyKey Statement DS2 – Sustainable DevelopmentKey Statement DMI2 – Transport ConsiderationsKey Statement EN3 – Visitor EconomyPolicy DMG1 – General ConsiderationsPolicy DMG2 – Strategic ConsiderationsPolicy DMG3 – Transport & MobilityPolicy DME1 – Protecting Trees & WoodlandPolicy DME3 – Site and Species Protection and ConservationPolicy DMB3 – Recreation and Tourism DevelopmentNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:**3/2019/0912 – Erection of timber shed and greenhouse in association with use of land as an allotment – Approved. |
|  |
| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application relates to a 0.0622 Hectare (662Sq.m.) area of land. The area is largely rural in character with a number of scattered dwellings and small 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.Timber fences and gates have been erected along the western side boundary of the site.There are a number of existing trees within and adjacent to the site.The line of the Roman Road runs across the site together with a shared water main.The site contains 3 buildings. 2 buildings were approved on the site in connection with growing fruit and vegetables for the applicant’s own use as an allotment. The approved buildings measured 6m x 5m x 3.075m and 5m x 4m x 2.571m. A site visit confirms that the buildings on site are larger than approved and the third smaller shed does not have any permission. There was little evidence of agricultural use. |
| **Proposed Development for which consent is sought:**Permission is sought to develop the site into one 2 bed holiday cottage on land used as an allotment by utilising the two existing timber sheds on the site which measure 6.210m x 5.86m x 3.036m and 3.935m x 4.868m x 3.036m (as stated above these are larger than approved). The holiday cottage would consist of a single storey timber structure measuring approximately 6.210m (reducing to 4.868m on the NW elevation) x 23.593m (reducing to 22.841m on the SW elevation) x 3.536m maximum height together with a detached electricity room measuring 2.35m x 1.690m x 3.105m maximum height.The holiday home would comprise of an open plan dining area/kitchen/living area with store room/ pantry, utility and bathroom together with two wings comprising a siting area/bedroom and bathroom.The materials proposed are timber construction clad with Cedar timber boards, Grey mineral felt roof and Grey UPVC double glazed window and door units.  |
| **Principle of Development:**The application site is located within the countryside. Key Statement DS1 of the Core Strategy aims to steer development to the more sustainable settlements. Policy DMG2 supports this strategy by restricting development in tier 2 villages and outside defined settlements to six criteria. One such criteria supports in principle small scale tourism development appropriate to a rural area.This is expanded on by Policy DMB3 which supports tourism development subject to a number of criteria being satisfied.The proposal must be physically well related to an existing main settlement or village or to an existing group of buildings. An exception to this is where they are required in conjunction with a particular attraction and there are no suitable existing buildings ore development sites available.In this case the proposed site does not relate well to an existing settlement or village. It does not relate well to an existing group of buildings, with the site being greenfield land adjacent to undeveloped land to the front (west), side and rear (east). Whilst other buildings exist along Kenyon Lane and Moorgate Lane the development would not be seen in the same context as these due to its siting, design and materials. The scale and type of development proposed would also be at odds with the existing buildings that are there. Nor is its location necessary to serve a nearby countryside attraction. Other criteria of Policy DMB3 will be considered in other sections below.Policy DMG2 acknowledges that where possible new development should be accommodated through the re-use of existing buildings in order to protect the character of the countryside area. Policies DMH4 and DMB2 support the conversion of rural buildings for residential and employment uses subject to a number of criteria. One criteria is that they must be structurally sound and capable of conversion without the need for major alterations which would adversely affect the character of the building. Another criteria is that the building is worthy of retention because of its intrinsic interest/ potential/ contribution to its setting. Clearly the extent of alteration and new build proposed means that the proposal is tantamount to a new building as opposed to a conversion. Further the existing buildings on site do not benefit from planning permission. Finally none of the buildings are worthy of retention. Therefore neither DMH4 or DMB2 are relevant to apply. Policy DMG3 requires considerable weight to be attached to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development. Policy DMB3 requires proposals to be well related to the public transport networks where possible. The requirement for development to be sustainable and contribute to the continuation or creation of sustainable communities is also a requirement of the NPPF. The proposed site is not within reasonable walking distance of any services or facilities or public transport therefore holiday guests would be dependent upon private motor vehicle to access these. The proposal would therefore be contrary to the aims and objectives of Key Statement DMI2 and Policies DMG2, DMG3 and DMB3. |
| **Impact Upon Residential Amenity:**The nearest residential properties are Greystones a detached house to the south, Merlewood a detached house to the south east and Megitta House a detached property to the west.The land immediately adjoins the residential curtilage of Greystones. The proposed building would have a maximum height of 3.536m and seven elongated windows on the facing elevation serving utility/bathroom/kitchen/living and bedroom areas together with a high level window serving the kitchen. There is also a full length window serving the sitting area. This results in a total of nine windows along this elevation in close proximity to the garden of Greystones. However it is considered that a condition securing retention / provision of landscaping along the southern boundary, as well as a condition securing obscure glazing if appropriate, could ensure there were no unacceptable overlooking issues for the owners/occupiers of this neighbouring property. There are no other concerns in respect of other windows and overlooking issues or any overbearing impacts. Taking account the site characteristics and the adjacent residential dwellings it is not considered that the proposal will have any measurable detrimental impact of nearby residential amenities.The proposal may result in an increase in vehicular movements and activities associated with the holiday use of the site, however, it is not considered that noise/disturbance would be at such a significant level to cause detriment to nearby residential amenity. |
| **Visual Amenity/External Appearance:**Given the site location within the defined open countryside consideration must be given for the potential for the proposal to cause harm to the character and visual amenity of the area, as well as the nature of the use and whether it would be appropriate given the designation of the area whilst taking account of surrounding land uses.In this respect Policy DMG1 of the Ribble Valley Core Strategy 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. 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. Policy DMB3 requires that the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design.Properties in this area tend to be detached character dwellings in spacious grounds. Some have arisen as a result of conversion. By attempting to utilise the existing (unlawful) buildings on site, the development has a large footprint and comes very close to the site frontage and the side and rear boundaries, creating a cramped form of development exacerbated by the parking and turning area at the front of the site. For example the distance between the south elevation and the south boundary is 4m, reducing to 2/3m in places, making this area too small to be used as a garden or anything meaningful. Spatially is does not sit comfortably within the plot nor is it compatible with surrounding built form. The existing (unlawful) built form on the site is of timber construction, with a simple utilitarian appearance to reflect its rural use. The proposed development attempts to utilise and infill these buildings creating an elongated timber building and disjointed design with different roof shapes and heights and varying windows. This results in a building of poor design and an incongruous form of development in the locality. The holiday home would be created out of two existing timber sheds with Cedar timber cladding, Grey mineral felt roofs and upvc windows and doors. The existing timber fence and gates would be retained to the south and west boundary as well as existing trees and hedgerows to the north west, east, south and west boundaries. The design is poor and does not relate well to the area which in the main consists of farmhouses and converted stone barns. The adjacent residential properties are stone or brick built two storey properties with traditional design features set in substantial landscaped plots within a mainly agricultural setting.As such it is considered that the proposal would result in an incongruous and anomalous form and type of development, and would result in a detrimental impact on the visual amenity of the defined open countryside and that of the immediate surrounding area contrary to Policy DMG1, DMG2 and DMB3. |
| **Highways and Parking:**Access will be off Kenyon Lane as existing with two parking spaces within the site. Whilst the visibility splays proposed are outside of the ownership of the site they are within the highway and therefore can be controlled as such.In terms of parking two on site spaces are proposed and a turning space. LCC Highways request this layout is amended in order to be acceptable in highway terms. It is considered this request can be met within the confines of the site as such could be dealt with by a condition. The impact on trees within the vicinity is addressed in the next section.On the basis that LCC Highways raise no objection to the development the proposal would not have any undue impact on highway safety subject to suitable conditions.  |
| **Landscape/Ecology:**A tree impact assessment has been submitted which shows the removal of tree due to ash dieback and the retention of the remainder of the trees and hedgerows. It states that the house will be constructed on concrete blocks the same as the sheds. However, there is also a large amount of hard surfaced patio areas as well as two parking spaces and a turning area which do not appear to have been taken into account.The application states that the existing hard surfaced compact areas would be utilised, however, no permission has been given for any hard surfaced areas within the site.The tree report states that the proposal can be accommodated subject to the timber framed holiday accommodation and surrounding patio area on concrete pads to be set onto existing compacted hard surfacing, however, this compacted ground would have a detrimental impact in itself on the root areas of these trees which include a Cat A Oak, Cat B Lime, Cat B Elm, Cat B Horse Chestnut and a group of Cat B Norway Maple, Horse Chestnut, Common Lime, and Sycamore. Category A and B trees are of a high quality with a minimum of 20 years life expectancy. These trees have high amenity value for the area and make a significant contribution to the character and visual amenity of the area.The tree report states ‘structural engineer/project architect to supply detailed construction drawings inclusive of existing and proposed levels within the Root Protection Area’. Whilst tree protection during the development could be controlled by condition, as the majority of the development proposed is within the RPA it is not clear how this can be achieved.Moreover, the site would need to accommodate the construction facilities required for the site including loading/unloading and storage of materials and parking for construction workers as well as plant and machinery.There is concern that even if the proposed development could be constructed without having an undue impact on the roots of the trees the close proximity of the development to the trees would mean there is a likelihood future tree resentment issues for the occupiers / future pressure to remove or reduce them.No ecology report has been submitted and due to its rural location, adjacent to fields and existing trees it is likely that some habitats could be affected by the proposal.The scheme therefore fails to fully consider the potential impacts on trees and ecology within and adjacent to the site contrary to policies DME1 and DME3. |
| **Drainage:**Surface water is proposed to be disposed into the existing water course with foul sewage into a package treatment plant. Details of the this can be controlled by an appropriate condition.It is understood that a water main crosses the site and the applicant is advised to ensure that this can be accommodated by the proposed development and contact UU with regards to any build over agreements and easements required within the site. |
| **Other Matters:**Concerns are raised relating to the use of the site and the erection of unauthorised structures. This has been addressed in the report where relevant to the consideration of the application.   |
| **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 location of the proposed development is remote from the nearest settlement(s) and public transport links and would result in one new build holiday accommodation unit in an unsustainable location where future occupants would be reliant on private motor vehicle(s) to access adequate services and facilities. This would be contrary to the aims and objectives of Key Statement DMI2 and Policies DMG3 and DMB3 of the Ribble Valley Core Strategy 2008 – 2028 as well as the National Planning Policy Framework. |
| **02:** | The proposal fails to relate well to an existing group of buildings or be sympathetic to existing nearby land uses, and would result in an incongruous and anomalous form of development in a countryside area by virtue of its siting, elongated footprint, poor quality, disjointed design and cramped appearance on site. This would be contrary to Policies DMG1, DMG2 and DMB3 of the Ribble Valley Core Strategy 2008 -2028 as well as the National Planning Policy Framework. |
| **03:** | The proposal has failed to demonstrate that the proposal would not result in an adverse impact on the amenity of the trees and hedges within, and adjacent to, the site which provide high quality amenity value in this rural location contrary to Policy DME1 of the Ribble Valley Core Strategy 2008 -2028 as well as the National Planning Policy Framework. |
| **04:** | The proposal has failed to demonstrate that the proposal would not result in an adverse impact on the biodiversity of the site and adjacent area in terms of species protection and conservation in this open countryside location contrary to Policy DME3 of the Ribble Valley Core Strategy 2008 – 2028 as well as the National Planning Policy Framework. |