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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | BT | **Date:** | 3/1/25 | **Manager:** | **LH** | **Date:** | **6/1/25** |
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| **Application Ref:** | 3/2024/0615 |  |
| **Date Inspected:** | 29/11/24 | **Site Notice:** | 29/11/24 |
| **Officer:** | BT |
| **DELEGATED ITEM FILE REPORT:**  | **REFUSAL** |
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| **Development Description:** | Proposed change of use from agricultural building to single residential dwelling and associated residential curtilage together with hardstanding/parking area (part retrospective). |
| **Site Address/Location:** | Land at Pendleton Road, Wiswell, BB7 9BZ. |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| **Wiswell Parish Council:**  | Object to the proposal on the following grounds:* Unauthorised residential use of the application site
* Retention of the development would irreparably damage the character and appearance of the landscape
* Approval of the proposal would set a precedent for further encroachment and “urbanisation” of agricultural land
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC Highways:** | Further information requested with respect to achievable visibility splays and site access. |
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| **CONSULTATIONS:**  | **Additional Representations.** |
| Objections have been received from four households which are summarised as follows:* Retention of the development would be harmful to the visual amenities of the area
* The proposed change of use contravenes local and national planning policy
* The assertion that the land is unsuitable for agricultural use is unfounded and misleading
* Approval of the proposal would set a precedent for future planning applications
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1: Development StrategyKey Statement DS2: Sustainable DevelopmentKey Statement EN2: LandscapeKey Statement DMI2: Transport ConsiderationsPolicy DMG1: General ConsiderationsPolicy DMG2: Strategic ConsiderationsPolicy DMG3: Transport & MobilityPolicy DME2: Landscape & Townscape ProtectionPolicy DME5: Renewable EnergyPolicy DMH3: Dwellings in the Open Countryside and AONBPolicy DMH4: The Conversion of barns and other Buildings to DwellingsNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:****Planning Enforcement Notice** served on 16/02/2024 in respect of breach of conditions 2 and 4 of planning permission 3/2018/0989 by failing to lay out the building as per the approved plans and by using the building for residential purposes. This was not appealed. Photographic evidence supplied by the applicant in June 2024 confirm the necessary works have been carried out and the residential use has ceased. Complied with effect from 14/06/2024.**3/2024/0252:**Regularisation of use of agricultural building as a dwellinghouse. Received 27/03/2024. LPA responded on 26/04/24 to advise that as the application is seeking permission for a dwelling and hardstanding to which pre-existing enforcement notices relate, then under Section 70C of the TCPA the LPA has resolved to decline to determine the application. The application is effectively considered withdrawn.**3/2023/0746:**Certificate of Lawfulness for existing use of agricultural building as a dwellinghouse. Received 20/09/2023 (Refusal)**Planning Enforcement Notice** served on 08/02/2023 in respect of without planning permission, the Without planning permission, the carrying out of engineering operations and other installations on the Land including the creation of areas of hardstanding, installation of CCTV on a building, erection of a free standing post for CCTV, installation of infrastructure for a stand-alone solar array, and erection of a stand-alone solar array of dimensions which exceed that permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the Order”). Appealed (Planning Enforcement Appeal APP/T2350/C/23/3318459) – Appeal dismissed. Complied with effect from 21/08/2024.**3/2022/0345:**Discharge of conditions 3 (Materials) 7 (Replacement Trees) and 8 (Boundary Treatments) from planning permission 3/2018/0989 (Approved)**3/2018/0989:**Proposed extension to existing agricultural building. Regularisation of the existing building (Approved) |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application relates to a parcel of land situated on the North-western edge of Wiswell. The land parcel in question comprises an elongated strip of grassland bound by trees on all perimeters which extends to the North-west from Pendleton Road. Access to the land parcel is from Pendleton Road via a gated field access with an area of tarmac and loose aggregate sited just inside the site’s field access point. A building approved for agricultural use lies approximately 50 metres away to the South-west of the site’s access which forms the basis of this application. Residential properties border the South-western perimeter of the application site with the wider area comprising a mixture of woodland, agricultural land and open countryside.  |
| **Proposed Development for which consent is sought:**Retrospective planning consent was granted for the retention of an unauthorised agricultural building under previous planning application ref: 3/2018/0989 in March 2019. Subsequently, a certificate of lawfulness application (3/2023/0746) was submitted which sought to establish the lawful use of this building as a dwellinghouse, with the application’s supporting information stating that the applicant had occupied the building as a dwellinghouse since May 2019 however this application was refused on the basis of a Breach of Condition Notice having been served to the applicant during the period of four years beginning with the date of the alleged breach, and also due to the presence of evidence which was considered to make the applicant’s version of events less than probable. Photographic evidence submitted by the applicant to the Council in June 2024 showed the building as being configured in accordance with the approved plans including all internal domestic paraphernalia removed and a residential use having ceased. The current application, submitted in July ’24 only 3 months after the enforcement notice was considered complied with, seeks planning consent to change the use of the application building to a single dwellinghouse and change the use of agricultural land to domestic curtilage with associated hardstanding/parking area.Whilst the Council had previously resolved not to determine a similar planning application in early 2024 because of enforcement notices in place at the time, given that both enforcement notices have since been complied with, the Council has resolved to determine this new application. |
| **Principle of Development:**The proposal site is not situated within any of the Borough’s defined settlement areas and as such lies within the open countryside. Criterion 2 of Policy DMH3 of the Ribble Valley Core Strategy allows for the appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. The same policy stipulates that buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction. With regards to criterion 2 of DMH3, whether or not the proposal amount to an ‘appropriate’ conversion leads to the engagement of policy DMH4 and requires a consideration of the proposal against that policy. Policy DMH4 of the Ribble Valley Core Strategy states:*Planning permission will be granted for the conversion of buildings to dwellings where:* *1. The building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of an existing group of buildings, and* *2. There need be no unnecessary expenditure by public authorities and utilities on the provision of infrastructure, and* *3. There would be no materially damaging effect on the landscape qualities of the area or harm to nature conservations interests, and* *4. There would be no detrimental effect on the rural economy, and* *5.The proposals are consistent with the conservation of the natural beauty of the area* *6. That any existing nature conservation aspects of the existing structure are properly surveyed and where judged to be significant preserved or, if this is not possible, then any loss adequately mitigated.* *The building to be converted must:* *-Be structurally sound and capable of conversion for the proposed use without the need for extensive building or major alternation, which would adversely affect the character or appearance of the building;* *- Be of a sufficient size to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building -**- The character of the building and its materials are appropriate to its surroundings and the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting, and* *The building has a genuine history of use for agriculture or another rural enterprise.*Having regard to criteria point 1 of Policy DMH4, the application building is situated in reasonably close proximity to four residential properties (Four Acres, Steps Cottage and No. 1 & 2 Tithe Barn Cottages) and two commercial properties (Tithe Barn stables and cattery) and as such does not read as an isolated feature within the surrounding landscape. The proposed development would therefore satisfy criteria point 1 of Policy DMH4 and locational requirements of Policy DMH3.Turning to criteria point 2, access to the application site would remain via the site’s existing access from Pendleton Road and the application’s supporting information indicates that surface water is to be dealt with by way of a soakaway. No information has been provided with respect to arrangements for foul water disposal however the supporting information provided under previous application 3/2023/0746 includes the submission of photographs which show the installation of a septic tank within the site. As such, it is not anticipated that retention of the unauthorised development would warrant any unnecessary expenditure by public authorities or utilities on the provision of infrastructure. The proposal would therefore satisfy the requirements of criteria point 2 of Policy DMH4. Having regard to criteria point 4, there is no evidence to suggest that the application building forms an integral part of any agricultural enterprise (this aspect of the proposal is covered in further detail below) therefore it is not considered that retention of the unauthorised development would be of detriment to the rural economy of the Borough.Turning to criteria point 6, the unauthorised development relates to the retention of a building which has already been converted for residential use and no further alterations are proposed to the application building therefore the requirement to undertake ecological survey work would not be applicable in this instance. Accordingly, retention of the unauthorised development would raise no conflict with the requirements of criteria point 6.Having regard to criteria point 6 (1), the unauthorised development relates to the retention of a building which has already been converted for residential use therefore the requirement to demonstrate the application building’s structural soundness for conversion would not be applicable in this instance and no further extensions or alterations are proposed to the application building. Retention of the unauthorised development would therefore raise no conflict with the requirements of criteria point 6 (1).Turning to criteria point 6 (2), the application proposes necessary living accommodation in the form of a kitchen, living room, bedroom, bathroom and utility room, with no further extensions or alterations proposed to the application building to support the continued residential use of the building. Retention of the unauthorised development would therefore satisfy the requirements of criteria point 6 (2).Taking account of the above, the proposed development would be partially compliant with Policy DMH3 with respect to its location and would also satisfy the requirements of criteria points 1, 2, 4, 6 and 6 (1) and (2) of Policy DMH4.Notwithstanding the above, Policy DMH3 carries a requirement for all buildings being converted to residential use to be in keeping with their surroundings with respect to their form and general design. Similarly, criteria points 3 and 5 of Policy DMH4 require any conversion of buildings to dwellings to be in keeping with the natural beauty of their surroundings without causing undue harm to the landscape qualities of the area. In a similar vein, criteria point 6 (3) of Policy DMH4 carries a stipulation for buildings being converted to residential use to be appropriate to their surroundings with respect to their character, with a further stipulation for buildings being converted to residential use to be worthy of retention by virtue of their intrinsic interest or contribution made to their setting.In this instance, the application site comprises an elongated parcel of land which is largely void of any built form (save for the application building), with the site having a distinct openness and agricultural character which forms part of the wider surrounding open countryside. Analysis shows that the habitable component of the application building has been constructed largely in accordance with the development as approved under previous application 3/2018/0989 with respect to its proportions, design and external detailing, albeit with the exception of nominal changes to the building’s approved footprint / height proportions, internal layout and roof materials (a corrugated metal roof has been constructed as opposed to a timber roof). Notwithstanding this, a decking area has been added to the front North-western elevation of the building, along with the addition of an incongruous and largely unsympathetic flat roof structure to the building’s North-eastern side elevation (it is understood that this houses a solar panel battery and inverter), with both additions to the building reading as overtly domestic in appearance and being largely at odds with the unadorned agricultural character of the building approved under application 3/2018/0898. As such, the application building is not considered to be in keeping with its immediate rural surroundings with respect to its form or design and for this reason is not considered to be worthy of retention. In addition, a hardstanding area comprised of tarmac and gravel chippings has been constructed at the site’s access point which would be retained as a parking and turning area and the proposal would also include the formal adoption of a sizeable domestic curtilage area as denoted by the red edge on the application’s site plan. Accordingly, it is considered that the retention of the hardstanding area and subsequent introduction of domestic curtilage areas and associated landscaping and domestic paraphernalia would have a further urbanising impact upon the site’s open countryside setting (the visual impact of the proposed development is assessed in further detail in the report’s ‘Visual Amenity/External Appearance’ section). In light of the above, it is considered that the proposal would fail to satisfy the design criteria of Policy DMH3 and criteria points 3, 5, 6 (3) of Policy DMH4.Criteria point 6 (4) of Policy DMH4 states that rural buildings being converted to residential use must have a genuine history of use for agriculture or other rural enterprise. With regards to this, the application’s supporting information states:*‘The building has been on the site since at least the 1960s. It was originally used for the storage of agricultural machinery, feed and associated equipment associated with the use of the surrounding land for agricultural purposes. It therefore has a genuine history of use for agriculture.’*Notwithstanding the above claim, the supporting information provided under application 3/2018/0989 states that construction of the building which forms the basis of this application had commenced in September 2018 but had not been completed at the time of the application submission in October 2018. In addition, the supporting information provided under application 3/2023/0746 subsequently identifies the applicant as having occupied the application building as a dwellinghouse since May 2019. No evidence has been submitted to indicate that the application building has ever been used for agricultural use. In light of this, it is not considered that the application building benefits from a genuine history of use for agriculture or other rural enterprise and the proposal therefore fails to satisfy the requirements of criteria point 6 (4) of Policy DMH4.Policy DMG2 of the Core Strategy states: *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 well-being 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.* *6. The development is compatible with the enterprise zone designation* The proposal does not fall within the realm of development that would be essential to the local economy or social well-being of the area, nor is the proposal required for the purposes of agriculture. The proposal does not relate to small scale tourism or a recreational development appropriate to a rural area and does not fall within the realm of a small scale use appropriate to a rural area where a local need or benefit has been demonstrated. In addition, the proposal is not compatible with the enterprise zone designation. The application’s supporting information states that the proposal would fulfil a local need for a form of affordable housing on the basis that the application building will be occupied by the applicant who is unable to rent or buy alternative accommodation on the open market however no further information has been provided to substantiate this claim or to evidence that the building would satisfy the definition of Affordable Housing as per the Core Strategy or NPPF. Nor has any legal mechanism been submitted to secure it as such. The proposal would therefore fail to meet the above criteria of Policy DMG2.Policy DMG3 of the Core Strategy also requires decision taking to consider the availability and adequacy of public transport and associated infrastructure to serve those moving to and from new developments. This is consistent with the NPPF which requires development proposals to promote sustainable transport. In this instance, analysis shows an absence of bus stops within the nearby vicinity of the application site with the nearest public transport links being sited approximately 350 away from the application site within the defined settlement area of Wiswell. In addition, there is an absence of pavements and street lighting along Pendleton Road. Such issues can potentially be balanced against the sustainable benefits of re-using existing buildings. The ‘re-use’ of a building dictates that the building in question has or has had an established use which would subsequently be superseded in the event of the building in question being utilised for residential use however given that the application building is not considered to benefit from a genuine history of use for agriculture or other rural enterprise, it is not considered that the proposal would amount to a genuine ‘re-use’ of the building in question and the sustainable benefits of re-using an existing building can therefore not be applied in this case. Furthermore, this is not a building considered worthy of retention as assessed above.Taking account of all of the above, the proposed development would fail to satisfy the requirements of Policy DMH3, criteria points 3, 5, 6 (3) and 6 (4) of Policy DMH4 and Policies DMG2 and DMG3 of the Core Strategy and is therefore considered to be unacceptable in principle. |
| **Impact Upon Residential Amenity:**Paragraph 135 (f) of the National Planning Policy Framework states:*‘Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users’.*Furthermore, Policy DMG1 of the Core Strategy requires all proposals for development to consider the effects of development upon existing amenities whilst providing adequate day lighting and privacy distances. In this instance, analysis shows the application building as lying approximately 13 metres away to the North of the nearest residential receptor of No. 2 Tithe Barn Cottages which in turn would not impede the provision of natural light or outlook to and from the neighbouring property respectively in the event of the application building being retained due to the adequate separation distance in place and solar orientation of the application building. In addition, the application building’s kitchen window and living room door openings solely provide views into the confines of the application site therefore the continued use of the application building as dwelling would not compromise the privacy of the nearest neighbouring dwellings to the South-west of the application site. Accordingly, it is not considered that the proposal would be harmful to the amenity of any neighbouring residents.Notwithstanding the above, analysis of the submitted floor plans and elevation drawings shows that the bedroom component of the application building is not served by any window or roof light openings. In addition, the kitchen and living room components of the application building (which form the building’s primary habitable space) are served by just one window opening which is a modestly sized casement window opening providing only a minimal provision of natural light and outlook into and out of the primary habitable space of the building respectively, as evidenced in supporting photographs provided under previous application 3/2023/0746. It is noted that the living room component of the building is served by a double door opening however the double doors in place are solid structures with no glazing and would therefore only allow natural light and outlook into and out of the property respectively when fully open which in turn would be impractical during adverse weather conditions. In light of the above, it is considered that the proposal would fail to provide an acceptable standard of amenity with respect to its provision of natural light and outlook which in turn is considered harmful to the amenity of existing and future occupants of the building. For this reason, the proposed development would therefore fail to satisfy the requirements of Paragraph 135 (f) of the NPPF and Policy DMG1 of the Core Strategy.  |
| **Visual Amenity/External Appearance:**Paragraph 135 (c) of the NPPF states: *‘Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting’.* Policy DMG1 of the Ribble Valley Core Strategy provides additional general design guidance as follows: *‘All development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing and style…particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character.’* In this instance, the application site comprises an elongated parcel of land which is largely void of any built form (save for the application building), with the site having a distinct openness and agricultural character which forms part of the wider surrounding open countryside. As previously conveyed, whilst the habitable component of the application building has been constructed largely in accordance with the development as approved under previous application 3/2018/0989, the building has subsequently been subject to further alterations in the form of a decking area which has been added to the front North-western elevation of the building. An incongruous and largely unsympathetic flat roof structure has also been added to the building’s North-eastern side elevation with the flat roof symmetry of this structure being noticeably at odds with the gabled roof profile of the application building. The decking area and flat roof structure collectively have a distinctly domestic appearance and as such appear largely at odds with the unadorned agricultural character of the building approved for agricultural use under application 3/2018/0898. In light of this, the application building is not considered to be in keeping with the rural setting of the application site with respect to its form or design. In addition, and as previously conveyed, a hardstanding area comprised of tarmac and gravel chippings has been installed at the site’s access point which would be retained as a parking and turning area and the proposal would also include the formal adoption of a sizeable domestic curtilage area as denoted by the red edge on the application’s site plan, which in turn would have a further harmful urbanising impact upon the site’s agricultural character by virtue of the subsequent introduction of fencing, landscaping and domestic paraphernalia.Consequently, regularisation of the application building as a single dwellinghouse in its existing form, in addition to the formal adoption of agricultural land to a sizeable area of domestic curtilage, is considered to be harmful to the visual amenities of the area, and is not considered to constitute a sympathetic or proportionate form of development within the context of a rural site within the open countryside whereby the introduction of residential development, associated domestic paraphernalia, landscaped areas and overall extent of encroachment into the surrounding open countryside should be kept to a minimum and implemented in a sensitive manner. The proposal would therefore fail to satisfy the requirements of Paragraphs 135 (c) of the NPPF and Policies DMG1 of the Core Strategy. |
| **Highways and Parking:**The proposed development has been subject to review from Lancashire County Council Highways who in their response have stated that the proposal as submitted fails to fully assesses the highways impacts of the proposed development due to the absence of supporting information with respect to achievable visibility splays and the position of the site’s access gates relative to their proximity to the edge of the highway. Furthermore, no such additional details have been provided to date. As such, it remains unclear as to whether the necessary access arrangements to serve the proposed development would be achievable for the application site. In light of this, it is not considered that the application as submitted fully assesses the highways impact of the proposed development. As such, the proposal fails to satisfy the requirements of Policies DMG1 and DMG3. |
| **Landscape/Ecology:**The development is exempt from having to achieve the mandatory Biodiversity Net Gain requirement as it forms the basis of retrospective development. No other ecological constraints were identified in relation to the proposal. |
| **Observations/Consideration of Matters Raised/Conclusion:**The application building is not considered to be in keeping with its immediate rural surroundings with respect to its form or design and as such is not considered to be worthy of retention, nor is it considered that the application building benefits from a genuine history of use for agriculture or other rural enterprise. In addition, the proposal site lies within the open countryside and fails to meet any of the relevant exceptions for permissible or sustainable development within such areas. The proposal therefore fails to satisfy the requirements of Policies DMH3, DMH4, DMG2 and DMG3 of the Core Strategy and as such is considered to be unacceptable in principle.In addition, it is considered that the application building in its current form fails to provide an acceptable standard of amenity with respect to its provision of natural light and outlook which in turn is considered harmful to the amenity of existing and future occupants of the building. For this reason, the proposed development would therefore fail to satisfy the requirements of Paragraph 135 (f) of the NPPF and Policy DMG1 of the Core Strategy. Furthermore, regularisation of the application building as a single dwellinghouse in its existing form, in addition to the formal adoption of agricultural land to a sizeable area of domestic curtilage, is considered to be harmful to the visual amenities of the area, and is not considered to constitute a sympathetic or proportionate form of development within the context of a rural site within the open countryside whereby the introduction of residential development, associated domestic paraphernalia, landscaped areas and overall extent of encroachment into the surrounding open countryside should be kept to a minimum and implemented in a sensitive manner. The proposal would therefore fail to satisfy the requirements of Paragraphs 135 (c) of the NPPF and Policies DMG1 of the Core Strategy.Moreover, the application has failed to demonstrate that the necessary sightlines and access arrangements required to serve the proposed development would be achievable for the application site. In light of this, it is not considered that the application as submitted fully assesses the highways impact of the proposed development nor demonstrates that a safe access could be achieved for the development. As such, the proposal would fail to satisfy the requirements of Policies DMG1 and DMG3.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:** | A residential dwelling in this countryside location, outside of a settlement boundary and with poor accessibility and connectivity to local services and facilities, would result in an inappropriate and unsustainable form of development in a rural area. The application building would not be in keeping with its immediate rural surroundings with respect to its form or design and as such is not considered to be worthy of retention, nor does it benefit from a genuine history of use for agriculture or other rural enterprise. The proposal fails to meet any of the relevant exceptions for permissible development within such areas, and it would be dependent on use of private motor vehicle(s). The proposal therefore fails to satisfy the requirements of Policies DMH3, DMH4, DMG2 and DMG3 of the Ribble Valley Core Strategy as well as the NPPF by failing to deliver a sustainable development. |
| **02:** | The proposal fails to provide an acceptable standard of amenity for future occupiers of the residential dwelling with respect to its provision of natural light and outlook which in turn is considered harmful to the amenity of existing and future occupants of the building. For this reason, the proposed development would therefore fail to satisfy the requirements of Paragraph 135 (f) of the NPPF and Policy DMG1 of the Ribble Valley Core Strategy.  |
| **03:** | The proposed retention of the application building as a single dwellinghouse in its existing form, in addition to the use of land as a sizeable area of domestic curtilage, is considered to be harmful to the visual amenities of the area, and is not considered to constitute a sympathetic or proportionate form of development within the context of a rural site within the open countryside whereby the introduction of residential development, associated domestic paraphernalia, landscaped areas and overall extent of encroachment into the surrounding open countryside should be kept to a minimum and implemented in a sensitive manner. The proposal would therefore fail to satisfy the requirements of Paragraphs 135 (c) of the NPPF and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy. |
| **04:** | The application has failed to demonstrate that the necessary sightlines and access arrangements required to serve the proposed development would be achievable within the application site. In light of this, it is not considered that the application as submitted fully assesses the highways impact of the proposed development nor demonstrates that a safe access could be achieved for the development. As such, the proposal would fail to satisfy the requirements of Policies DMG1 and DMG3 of the Ribble Valley Core Strategy. |