

This report needs to be read in conjunction with the Decision Notice.

DATE INSPECTED: N/A

Ribble Valley Borough Council

## DELEGATED ITEM FILE REPORT - REFUSAL

Ref: SK

Application No:	3/2014/0793
Development Proposed:	Removal of condition 8 of planning permission 3/2006/0427 so that the granny annex can be used as a separate residential unit to the main house (resubmission). Talbot Fold Barn, Talbot Bridge, Bashall Eaves, Clitheroe, BB7 3NA.

### CONSULTATIONS: Parish/Town Council

Parish /Town Council	No comments or observations received.
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### CONSULTATIONS: Highway/Water Authority/Other Bodies

LCC Highways	No comments or observations received.
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### CONSULTATIONS: Additional Representations.

No representations have been received.

### RELEVANT POLICIES:

#### Ribble Valley Districtwide Local Plan:

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 – Dwellings in the Open Countryside.

Policy ENV1 - Area of Outstanding Natural Beauty.

#### Ribble Valley Core Strategy (Regulation 22 Submission Draft):

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMH3 – Dwellings in the Open Countryside & AONB.

Policy DME2 – Landscape and Townscape Protection.

#### National Planning Policy Framework (NPPF)

### COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:

#### Site Location:

The proposal site is located within the Forest of Bowland AONB and defined Open Countryside accessed off Rabbits Lane, Bashall Eaves.

The site is in a largely isolated and remote location accessed via a dedicated drive and private security gate on the eastern side of Rabbits Lane to the south of the proposal site is Robbin Hill and directly to the west is Marsdens Farm, both being in residential use at present.

#### Proposal:

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The proposal site is occupied by a stone built barn conversion with attached annex accommodation (to which the current application relates) and detached holiday cottage to the immediate east, the properties are arranged in a linear form typical of a farmstead arrangement.

Consent is sought for the removal of an occupancy condition relating to the attached annex accommodation to allow it to be used as a separate residential dwelling. The application relates to the removal of condition 08 of 2/2006/0427 as follows:

*The proposed development shall only be occupied as an extended family unit in conjunction with the property to which it is attached or related to and it shall not be used as a separate unit.*

*Reasons: In order to comply with Policies G1 and H9 of the Ribble Valley Districtwide Local Plan. The division of the dwelling into separately occupied units could be injurious to the amenities of the neighbouring occupiers and to the character of the area and would require further consideration by the Local Planning Authority.*

The site plan submitted in support of the current application proposes that a post and rail fence will be erected between the current annex and the detached holiday cottage to delineate their respective boundaries and provide an element of private amenity space for potential future occupiers.

The site plan further details how parking provision will be provided on site with space for 2 dedicated spaces for the existing dwelling (Talbot Fold Barn), annex accommodation to which the application relates (Talbot Fold Cottage) and the adjacent holiday accommodation.

#### **Relevant Planning History:**

3/2013/1035 - Removal of condition 08 of planning permission 3/2006/0427 so that the granny annex can be used as a separate residential unit to the main house. (Refused)

3/2012/1109 - Change of use of domestic garage and workshop to form a 2 bedroom holiday cottage. (Approved with Conditions)

3/2006/0427 - Conversion of barn and attached cottage to form dwelling with granny annex and detached garage. Re-submission. (Approved with Conditions)

3/2006/0222 - Conversion of barn and attached cottage to form dwelling with granny annex. (Approved with Conditions)

3/2005/0701 - Conversion of a barn to dwelling. (Approved with Conditions)

#### **Principle of Development:**

In assessing the acceptability of the proposal it is important to have due regard to Policy H2 of the Ribble Valley Districtwide Local Plan (DWLP) and Policy DMH3 of the Ribble Valley Core Strategy (as proposed to be modified) which is relevant to dwellings in the open countryside and are consistent with the National Planning Policy Framework (NPPF) in that it seeks to promote sustainable development by avoiding isolated new homes in the countryside or homes in unsustainable locations that do not have adequate access to services. I acknowledge that the proposal would not amount to new construction; nevertheless these requirements apply to all development.

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I consider the site to be overtly isolated in location, with little or no access to local services and facilities within the immediate area, it is therefore correct to assume that as a result the use of motor-vehicle transport would predominate should consent be granted. This would be at clear odds with the aims and objectives of the NPPF and the presumption in favour of sustainable development.

As to what constitutes sustainable development, this is clearly set out in paragraph 6 of the national Planning Policy Framework where it qualifies that 'the policies in paragraphs 18 to 219, taken as whole, constitute the Government's view of what sustainable development in England means in practice for the planning system'.

On balance it is considered that it could be argued, that as an extended family annex, the accommodation could be occupied to a similar intensity of that of an independent dwelling. However, it is appropriate to assume, given the proximity of the annex building to the main dwelling that a number of vehicular trips to and from local services and facilities may be shared with family members thereby generating less need for vehicular trips than if the annex were to act as an independent dwelling.

It is also considered that the current occupation of the annex accommodation by family members would not constitute a degree of separateness that would be comparable to that of an independent dwelling, even where such a person lives independently, but is still related to those occupying the main dwelling.

The proposal has been assessed on the basis of national and local plan policy and found to conflict with both. It is considered that the proposal would lead to the creation of an isolated new dwelling in the Forest of Bowland AONB without sufficient justification which would cause harm to the development strategy for the borough as set out in the emerging core strategy.

It is further considered that the proposal, by virtue of its remote and isolated location, would result in an unsustainable form of development in a location that has limited access to local services and/or facilities resulting in a development which would be highly dependant on the use of the private motor vehicle and would therefore not accord with the presumption in favour of sustainable development leading to an unsustainable pattern of development in the Forest of Bowland AONB.

The proposal would therefore be contrary to the aims and provisions of Districtwide Local Plan Policy H2, Policy DMH3 of the Ribble Valley Core Strategy (as proposed to be modified) and in direct conflict with paragraphs 7, 30, 49, and 55 of the Framework, which among other matters, require protection of the countryside and Areas of Outstanding Natural Beauty and the promotion of sustainably located development with adequate access to accessible services.

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As such, it is for the above reasons that I recommend accordingly.

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**REASON(S) FOR REFUSAL:**

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| 01 | <p>Approval of the removal of this condition would not be in accordance with the NPPF presumption in favour of sustainable development, and is also considered to be contrary to guidance within Local Plan Policies G1, G5, H2 and ENV1 and Core Strategy (as proposed to be modified) Policies DMG1, DMG2, DMH3 and DME2 and the core aims and objectives of the National Planning Policy Framework.</p> <p>The site is in a predominantly rural and remote location that lacks adequate accessibility to local services and by virtue of its isolation is considered to be an unsustainable location for the creation of new independent dwellings. Approval of this application would lead to an unsustainable form of development in a location that does not benefit from local services or facilities, placing further reliance on the private motor-vehicle contrary to the NPPF presumption in favour of sustainable development.</p> |
| 02 | <p>The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals without sufficient justification which would have an adverse impact on the implementation of the emerging planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.</p>  |
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