


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:		Date:		Manager:		Date:	
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Application Ref:	3/2021/0614	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	
Officer:	SK	
DELEGATED ITEM FILE REPORT:		REFUSAL

Development Description:	Variation of condition 7 of planning permission 3/2017/0008 - to modify the use of the holiday lets.
Site Address/Location:	Pendle View Nursery Lovely Hall Lane Copster Green BB1 9EQ

CONSULTATIONS:	Parish/Town Council
Salesbury Parish Council have raised no objection to the proposal.	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	
No objections nor comments in respect of the proposal.	
CONSULTATIONS:	Additional Representations.
No representations have been received in respect of the proposed development.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility

National Planning Policy Framework (NPPF)

Relevant Planning History:

3/2017/0008:

Proposed redevelopment of the existing childrens nursery to two holiday lets – (Approved)

3/2016/0620:

Proposed redevelopment of the existing child day care centre and first floor accommodation into two apartments – (Refused)

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to a former existing day-nursery which benefits from an extant and implemented consent for conversion to that of two-holiday lets. The application site is located off Lovely Hall Lane within the defined settlement boundary of Copster Green, a tier 2 settlement.

Proposed Development for which consent is sought:

The application seeks consent for the variation of condition 7 of planning application 3/2017/0008 which gained consent for the redevelopment of the existing nursery premises to that of two holiday lets.

Condition 7 as originally imposed reads as follows:

The holiday units hereby approved shall not be let to or occupied by any one person or group of persons for a combined total period exceeding 90 days in any one calendar year and in any event shall not be used as a unit of permanent accommodation or any individual(s) sole place of residence. A register of all occupants of the accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of the register shall contain the name and address of the principal occupier together with dates of occupation.

The applicant proposes that the condition be varied to read as follows:

With the sole exception of Mr & Mrs Melville, the holiday units hereby approved shall not be let to or occupied by any one person or group of persons for a combined total period exceeding 90 days in any one calendar year and in any event, other than Mr & Mrs Melville, shall not be used as a unit of permanent accommodation or any individual(s) sole place of residence. A register of all occupants of the accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of the register shall contain the name and address of the principal occupier together with dates of occupation.

As such, taking account of the wording of the condition, this would enable one or both units to be occupied by Mr & Mrs Melville on a permanent basis commensurate to that of a unit of permanent C3 unrestricted residential accommodation, it would also allow for both units of holiday accommodation to be occupied concurrently by either party.

Principle of Development:

Given the proposed condition variation would result in one or both holiday units being occupied as permanent accommodation or sole or primary place of residence, consideration must be given in respect of the proposals compliance with adopted development plan policy particularly in relation to the aspirations for residential development within the Borough.

Policy DMG2 of the Ribble Valley Core Strategy seeks to restrict residential development within the open countryside and Tier 2 Village settlements to that which meets a number of explicit criteria, with Key Statement DS1 also reaffirming these criteria and setting out the overall spatial aspirations for development within the Borough.

In respect of assessing the submitted proposal, Policy DMG2 remains fully engaged. Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located 'in' principal and tier 1 settlements with the second part of the policy DMG2(2) being engaged when a proposed development is located 'outside' defined settlement areas or within tier 2 villages, with each part of the policy therefore being engaged in

isolation and independent of the other dependant on the locational aspects of a proposal.

The mechanics and engagement of the policy are clear in this respect insofar that it contains explicit triggers as to when the former or latter criterion are applied and the triggers are purely locational and clearly based on a proposals relationship to defined settlement boundaries and whether, in this case, such a proposal is 'in' or 'outside' a defined settlement.

The proposal is located inside of the defined settlement limits of Copster Green (Tier 2), in this respect, when assessing the locational aspects of development, Policy DMG2(2) is fully engaged with the exception criterion of the policy stating:

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 wellbeing 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.*

It is clear from the submitted details that the proposal could not be argued as being 'essential to the local economy or social wellbeing of the area' nor could it be considered that the proposal 'is needed for the purposes of forestry or agriculture'.

In respect of the matter of 'local need', no evidence has been provided to suggest that the proposal would align with the definition of 'local needs housing' as defined within the Adopted Core Strategy which states that 'Local needs housing is the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment'.

In light of the above matters it cannot be considered that the proposal meets any of the exception criterion contained within Policy DMG2 in relation to new dwellings within Tier 2 Settlements.

Key Statement DS1 of the Ribble Valley Core Strategy also seeks to restrict new residential development within Tier 2 Villages to that which meets a number of exception criterion.

In this respect Key Statement DS1 states '*development that has recognised regeneration benefits, is for identified local needs or satisfies neighbourhood planning legislation, will be considered in all the borough's settlements, including small-scale development in the smaller settlements that are appropriate for consolidation and expansion or rounding-off of the built-up area*'. With the statement also requiring that '*in the remaining 23 Tier 2 village settlements, development will need to meet proven local needs or deliver regeneration benefits*'.

As with Policy DMG2, the proposal would fail to align with the exception criterion of Key Statement DS1 in that it fails to meet proven local identified need or deliver regeneration benefits. As such

As such, taking account of all matters raised, the proposal variation of condition is in direct conflict with the adopted development plan insofar that it does not meet any of the exception criterion, in relation to the creation of new residential dwellings within Tier 2 Villages, as embodied within Policy DMG2 and Key Statement DS1 of the Ribble Valley Core Strategy.

Impact Upon Residential Amenity:

No implications resultant from the proposal.

Visual Amenity/External Appearance:

No implications resultant from the proposal.

Landscape/Ecology:

No implications resultant from the proposal.

Other Matters:

Given the proposal location within a Tier 2 settlement, consideration must also be given in respect of the potential sustainability of the proposal, particularly in relation to walkable access to a wide range of public services and facilities. In this respect Policy DMG3 is of primary relevance and remains engaged, with the policy stating that:

In making decisions on development proposals the local planning authority will, in addition to assessing proposals within the context of the development strategy, attach considerable weight to:

The availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development –

- 1. The relationship of the site to the primary route network and the strategic road network.*
- 2. The provision made for access to the development by pedestrian, cyclists and those with reduced mobility.*
- 3. Proposals which promote development within existing developed areas or extensions to them at locations which are highly accessible by means other than the private car.*
- 4. Proposals which locate major generators of travel demand in existing centres which are highly accessible by means other than the private car.*
- 5. Proposals which strengthen existing town and village centres which offer a range of everyday community shopping and employment opportunities by protecting and enhancing their vitality and viability.*
- 6. Proposals which locate development in areas which maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities which they need to visit regularly.*
- 7. Proposals which limit parking provision for developments and other on or off street parking provision to discourage reliance on the car for work and other journeys where there are effective alternatives.*

In relation to the sustainability of Copster Green as a settlement, this matter was dealt with in great-detail by at a historic appeal (Appeal Ref: APP/T2350/W/15/3134524) whereby the inspector concluded that:

'The need for development to be sustainable is a consistent thread running through local and national planning policy. Core Strategy Policy DS2 incorporates the presumption in favour of sustainable development into the development plan and DMG3 emphasises the importance of the availability and adequacy of public transport and associated infrastructure to serve development proposals. The National Planning Policy Framework (the Framework) establishes 3 dimensions to sustainable development – economic, social and environmental, and I consider each below.'

'However, the Framework makes clear at Paragraph 7 the importance of accessible local services and the site would perform poorly in that regard. The site does not fall within any defined settlement. It is next to Copster Green, but that is identified as a less sustainable 'Tier 2' settlement within the Core Strategy. The categorisation of the settlements was carried out as part of the evidence base for the 2014 Core Strategy and none of the evidence presented at this appeal casts serious doubt on it. Although the appellant has identified a range of services within a wider area, trips to reach them are likely to usually be made by car in my view. While there are bus stops close to the site, it appears that the bus services are limited. Thus, even daily basics such as bread or milk are likely to necessitate a car trip. Two railway stations are said to be 'within cycling distance' but I attach limited weight to that in respect of a proposal specifically aimed at older residents.'

This stance was also reaffirmed by a further appeal (Appeal Ref: APP/T2350/A/14/2222255) for whereby the inspector found that:

The Framework acknowledges that opportunities to travel by sustainable means, and to minimise journey lengths will vary from urban to rural areas and in this regard I note the appellants' view that an assessment of sustainability should take account of the proximity of services available in adjoining settlements, and the relative distance travelled by private car. Nevertheless, in relation to Copster Green, the absence of any notable local services would require residents to travel outside the village for even basic needs, and they would be largely dependent upon the private car to do so. Although the proposal might not, of itself, generate very large amounts of traffic, the cumulative effect of allowing such development in the countryside would increase the amount of unsustainable journeys made. Furthermore, in the absence of any notable local services, new residential development would not help sustain existing facilities or contribute to vitality.

With the inspector concluding that *'taking these factors into account I conclude that the proposal would perpetuate an unsustainable pattern of development which would conflict with guidance within paragraphs 30 and 37 of the Framework'*.

As such, taking account of the above inspectors conclusions and taking account that there have been no notable changes to the settlement of Copster Green subsequent to these decisions, it is considered that the proposed development would lead to the perpetuation of an unsustainable pattern of residential development, in a location that does not benefit from adequate walkable access to local services or facilities, placing further reliance on the private motor-vehicle contrary to the aims and objectives of Policy DMG3

Observations/Consideration of Matters Raised/Conclusion:

It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal on the basis of clear and direct conflict with adopted development plan policy in relation to the locational aspirations for new residential development within the borough and adequate walkable access to a wide range of public services and facilities.

RECOMMENDATION:

That planning consent be refused for the following reason(s)

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| 01 | The proposal is considered contrary to Policy DMG2 and Key Statement DS1 of the Ribble Valley Core Strategy in that approval would lead to the creation of a new residential dwelling or dwellings within a Tier 2 Village Settlement, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposal would deliver any regeneration benefits. |
| 02 | The proposal would result in the creation of a new residential dwelling or dwellings, without sufficient or adequate justification, that do not benefit from adequate walkable access to a wide range of local services or facilities - placing further reliance on the private motor-vehicle |

	contrary to the aims and objectives of Key Statements DS1, DS2, DMI2 and Policies DMG2 and DMG3 of the Ribble Valley Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.
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