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## Appeal Decision

Site visit made on 22 September 2020

by **K A Taylor MSC URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

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**Appeal Ref: APP/T2350/W/20/3255180**

**Land at Crooked Field, Chaigley, Clitheroe BB7 3LT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Eric and Felicia Laycock against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2020/0114, dated 6 February 2020, was refused by notice dated 16 March 2020.
  - The development proposed is described as conversion of agricultural buildings into a single residential dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal decision are:
  - Whether the appeal site forms a suitable location for development having regard to the national and local Planning Policies;
  - The effect of the proposed development on the character and appearance of the area, with particular regard to the Forest of Bowland Area of Natural Beauty (AONB);

### Reasons

#### *Location and principle of development*

3. The appeal site is an existing building which is located off Crooked Field, a private roadway off Chipping Road. It lies outside of the defined settlement and within the Forest of Bowland AONB. Therefore, by definition this would be within the countryside.
4. Policy DMG2, of the Core Strategy 2008-2028 A Local Plan for Ribble Valley, 2014 (CS), sets out the strategic considerations for development. Development which is outside of defined settlement areas is required to meet at least one of the considerations. Amongst others, these include; the development should be essential to the local economy or social wellbeing of the area; and the development is for local needs housing which meets an identified need and is secured as such.
5. Policy DMH3 restricts dwellings in areas defined as open countryside or AONB, to a specified number of exceptions. As part of criterion 1, residential

development will be limited to *'residential development which meets an identified local need'*. Both policies are supported by the aims and objectives of Key Statements DS1 and DS2 of the CS.

6. I have not been provided with any substantive evidence that the proposal would meet an identified local need or that this would be secured. The proposal is identified as market housing and appears it would only benefit the appellants as they would live there, this is further set out in the appellants' statement, and Design and Access Statement, *"the scheme accounts for comfortable living for the occupants, including an integral garage for the storage of vehicles and domestic goods. The development would meet their needs for their lifetime"*.
7. Furthermore, the appellants refer to The Strategic Housing Market Assessment 2008, (SHMA), which identified at that time there is an ageing population and lack of suitable accommodation across the area. Nonetheless, I have not been provided with any up-to-date evidence on housing land supply within the area and wider defined settlement boundaries. Moreover, I have no evidence that there is a current identified demand for smaller accommodation for older people that would justify the proposal. As such, I am not persuaded by this argument that the proposal would be essential to the local economy or social wellbeing of the area and it would meet an identified need as smaller accommodation for older people.
8. Looking at criterion 2, of Policy DMH3 it requires that appropriate conversion of buildings to residential are suitably located and their form and general design is in keeping with their surroundings. It requires the buildings that are to be converted to be structurally sound and capable of conversion without the need for complete or substantial reconstruction. This is supported by Policy DMH4, which grants permission for the conversion of buildings to dwellings, including that it is not isolated in the landscape, and sets out the 4 requirements the building to be converted must have.
9. The buildings comprise of two-parts with a mono-pitch roof spanning across both, constructed of mainly single-leaf blockwork with elements of polycarbonate, steel and timber cladding. I acknowledge the contents of the structural inspection; however, this is limited in detail. Although located on a substantial base, the buildings, would require significant construction works to facilitate the new dwelling, including excessive infilling and cladding, modifications including new walls and a new roof. It would be tantamount to a substantial rebuild and reconstruction and would therefore not meet the policy criteria for conversion of buildings to dwellings.
10. Paragraph 78 of the National Planning Policy Framework (the Framework) promotes sustainable development *'housing should be located where it will enhance or maintain the vitality of rural communities'*. Paragraph 110, advises that applications for development should *'give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use'*.
11. In regard to the location, the proposed development would be a considerable distance away from Clitheroe town centre and although sits within a small cluster of dwellings, it is physically separated by the vast amounts of open

countryside which surround it. Its location means it would be remote from any local services, facilities including shops and any access to a broad range of jobs. I note the appellant acknowledges the distance and considers that future occupiers would not need to travel long distances by car and access could be achieved to local facilities by bus, cycle and foot. Nonetheless, future occupants of the development would be largely reliant on the private motor car to access services and facilities.

12. Moreover, the site is not served by public transport and as I observed on my site visit Crooked Field is a private narrow access track. The adjoining main road, Chipping Road is also narrow with limited passing places, unlit and has no pedestrian footways. This would likely result in treacherous conditions for any future occupiers navigating the roads by foot or cycling during the winter months or adverse weather fronts, there is no nearby bus stops, or acceptable walking distances to access public transport, services and facilities in the nearby settlements. On this basis, the proposed development would not enhance or maintain the vitality of the rural community and would lead to the use of unsustainable travel modes and likely to heavily rely on the private car
13. I acknowledge that the development would be located within a cluster, where there are existing properties along Crooked Field. Having had regard to the High Court judgement<sup>1</sup> regarding paragraph 55 (now paragraph 79) of the Framework, this physical location would not result in a new isolated home in the countryside that the Framework seeks to avoid. Thus, there would be no conflict with paragraph 79 of the Framework in this regard. Nevertheless, there would still be minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services.
14. Consequently, it would not amount to a suitable location for residential use and would not accord with the sustainable development principles set out in Key Statement DMI2 of the CS which requires new development located to minimise the need to travel. Also, it should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need to travel by private car, of which the proposal does not.
15. Both parties disagree, that the buildings to be converted have a genuine history of use for agriculture or another rural enterprise to satisfy Policy DMH4 (4). The meaning of agriculture should be taken from S366(1) of TCPA90<sup>2</sup>, although not an exhaustive list it sets out examples of agriculture activities. The appellants have provided evidence in the way of an enforcement notice, conveyance dated 1979 and a rural payments agency letter dated 2010.
16. However, on the basis of the evidence before me, insufficient evidence has been provided to demonstrate that on the balance of probability the buildings, themselves for the conversion have a genuine history of use for agriculture or another rural enterprise. Therefore, I cannot be satisfied that they comprise of an agricultural unit or have been in agricultural use and as such I must find they are not. Nonetheless, even, if I were to agree with the appellant, the proposal would not satisfy other policy criteria set out in DMH4.

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<sup>1</sup> Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

<sup>2</sup> The Town and Country Planning Act 1990 (as amended)

17. For the reasons given above, I conclude that the proposed development does not provide sufficient or adequate justification, it would create new residential development within the countryside within an unsustainable location. It would be contrary to Policies DMG2, DMG3, DMH3, DMH4 and the aims and objectives of Key Statements DS1, DS2, DMI2 of the CS, which together seek to direct new residential development towards defined settlements and restricts development in the open countryside in order to protect the designated area of the AONB; minimise the need to travel and reduce reliance on the private car; and have a genuine history of use for the purposes of agriculture.
18. It would also be at odds with the guidance in the Framework, particularly Paragraphs 78, and Chapter 9, promoting sustainable transport.

#### *Character and Appearance*

19. The appeal site is located within the Forest of Bowland AONB. CS Policy DMH4, requires that the character of the building and materials are appropriate, worthy of retention because of its intrinsic interest, potential or contribution to its setting. Proposals should be consistent with the conservation of the natural beauty of the area. Policy DMH3, amongst other things, requires the form and general design of buildings to be converted to residential development to be in keeping with their surroundings. Key Statement EN2, sets out the Council's approach to conservation and protection for development within AONB.
20. The Framework at Paragraph 172 advises that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB, which have the highest status of protection in relation to these issues. The scale and extent of development within these areas should be limited.
21. The existing buildings are of a dilapidated appearance with simple features. There are large areas open fronted and there is a miss-match of combining materials, of which the majority are degraded. Visually the buildings have no merit, they fail to have any intrinsic architectural character or reflect the local vernacular detail that would contribute positively to the character and appearance of the area and the setting of AONB.
22. The existing walls would be enclosed with new inner leaf and stud walls, and it would be infilled and finished with excessive stone cladding and zinc panelling roofing. There would be a significant number of openings created of an excessive nature. The significant works, of which amount to a tantamount rebuild and reconstruction would fundamentally alter the appearance of the existing buildings. The proposal would also include gardens and associated residential parking, taking all these together, it would result in domesticated, building of suburban in appearance and the site itself. Furthermore, the overall design combined with the materials, including bulky and excessive cladding would create a utilitarian and dominant appearance to the building and would be at odds with the original form of the simple single leaf buildings.
23. The appellant considers that the aesthetic of the buildings will be greatly improved and complement other nearby dwellings. Whilst the proposal would bring the buildings back into use, incorporate energy sufficient solutions and considers the aims and objectives of the Code for Sustainable Homes, the proposed development would however not represent good design or be of exceptional quality, including a truly outstanding or innovative design and

would create an awkward, incongruous and prominent building to the detriment of the immediate and wider rural setting and landscape.

24. In terms of views into the site, the building can be clearly viewed from Crooked Field and from glances along Chipping Road due to the topography. I have also had regard to the appellants proposed landscaping for the site. The building in its current form represents a typical and simple structure, associated with such rural settings. However, the proposed alterations to the buildings to facilitate residential development would be unduly dominant in appearance, particularly with the contrasting materials and cladding, it would be a prominent incongruous addition in the landscape. This would be to the detriment of the character and appearance and the positive visual outlook from along those roads.
25. For the reasons given above, I conclude that the proposed development would be harmful to the character and appearance of the area and the Forest of Bowland AONB. It would be contrary to Policies DMH3, DMH4 and Key Statement EN2 of the CS, taken together requires any development to contribute to the conservation of the natural beauty of the area; expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.
26. It would also be contrary to the Framework, Chapter 12 achieving well-designed places and Chapter 15, conserving and enhancing the natural environment.

### **Other Matters**

27. I note that local residents have expressed additional concerns about the proposed development, including privacy, sustainability, air/noise pollution, drainage, flooding and landscaping. However, the Council did not raise these points as reasons for refusal and I have no substantive evidence to support those concerns. Given my findings in relation to the main issues, it is not necessary to consider these matters in detail.
28. Although the proposed development would not cause any harm to highway safety, including visibility and parking. This consideration does not outweigh the harm caused by the development
29. I recognise the appeal proposal would have benefits with regard to the supply of housing in the Borough, the re-use of the buildings and the contribution both construction opportunities and any future occupiers would make to the local economy. These matters, however, do not outweigh my findings in respect of the main issues nor the conflict I have found with the development plan read as a whole.

### **Conclusion**

30. For the reasons given above I conclude that the appeal should be dismissed.

*KA Taylor*

INSPECTOR