



Appeal Decision

Site visit made on 5 January 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 25th January 2022

Appeal Ref: APP/T2350/W/21/3281836

Kitchens, Cross Lane, Bashall Eaves BB7 3NA

- 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 Mrs Suzanne Howard against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2021/0697, dated 1 July 2021, was refused by notice dated 25 August 2021.
 - The development proposed is the erection of new stable block and change of use of land for all weather menage for private use.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues, there are: the effect of the proposed development on:
a) the character and appearance of the surrounding area, including the Forest of Bowland Area of Outstanding Natural Beauty; b) biodiversity; and c) highway safety.

Reasons

Character and Appearance

3. The appeal site is a field on the southern side of Cross Lane within the open countryside, separated from the highway by hedging. Limited residential development is situated on the north side of this section of Cross Lane, with land to the south comprising open, sprawling fields. The AONB has a rural and tranquil character due to the sparse nature of surrounding development. The open and undeveloped nature of land to the south specifically contributes positively to these special characteristics of the AONB.
4. I have no reason to disagree with the Council that the proposed use would be befitting of a rural location and the use of natural materials to the building's exterior would be acceptable. However, the appeal scheme would comprise a building of not insignificant scale and landtake. Notwithstanding boundary landscaping, and due to the strong open and undeveloped feel of the immediate landscape, the building would be read as a prominent and incongruous addition, reducing the spatial qualities of the area. Not only would this result in harm to the character and appearance of the countryside, but also the special qualities of the AONB.

5. This would be contrary to Policies DMG1 and DMG2 of the Ribble Valley Borough Core Strategy 2008 – 2028 (the Core Strategy) which seek to ensure, amongst other things, good design and, within the open countryside, it must be in keeping with the character of the landscape. It would also be contrary to Policy EN2 of the Core Strategy which makes it clear that the landscape and character of the AONB is to be protected, conserved and enhanced, with development expected to contribute to conservation of the natural beauty of the area. This echoes paragraph 176 of the National Planning Policy Framework (the Framework), which notes that great weight should be given to such conservation and enhancement, together with the limiting the scale and extent of development within such areas.

Biodiversity

6. The appeal site lies close to the Braddup Wood South Biological Heritage Site (BHS), located further along Cross Lane. Policy EN4 of the Core Strategy states that proposals affecting such sites will only be permitted where the negative effects can be mitigated or compensated for, and refers to the need for appropriate survey information in this regard.
7. It is acknowledged that the appeal site is detached from the BHS. However, a portion of hedgerow removal may be required to facilitate a safe access. While this would impact a limited amount of the hedgerow it nonetheless could have the potential to result in habitat fragmentation or loss, impacting the BHS. Policy DMG2 of the Core Strategy is clear that in an AONB the most important consideration in assessing proposals includes avoiding habitat fragmentation.
8. Due to the presence of the hedgerow, there are potential wildlife corridors between the BHS and the appeal site which may be impacted by the proposal. The appellant has stated that any impacts would be minimal but no assessment has been provided in this regard. The appeal documentation is therefore deficient in its assessment of any impacts that the proposal may have on the BHS and on how such impacts would be managed.
9. Consequently, the proposal fails to accord with Policy EN4 of the Core Strategy, the aims of which I have set out above.

Highway Safety

10. The appeal site would be accessed via the existing entrance point on Cross Lane. Although narrow, the approach to the site in both directions provides an ample stretch of largely straight road with adequate visibility of the road ahead.
11. However, the presence of hedging along this section of Cross Lane would reduce the visibility of both the site entrance to road users on Cross Lane, and of passing traffic on Cross Lane to vehicles emerging from the site itself. In order to avoid conflict between these road users, the Council has recommended widening of the site access and the removal of some hedgerow. The appellant is amenable to this suggestion and, on the basis of my observations, I have no reason to disagree that this would adequately address the issue, ensuring that there would be no adverse impacts of the proposal on surrounding highway safety.
12. While the precise details of the amount of hedgerow to be removed has not been agreed between the parties, I consider that if the development had been

acceptable in all other respects, this could have been addressed and made the subject of a condition.

13. Thus, the appeal scheme would comply with Policy DMG1 of the Core Strategy insofar as it seeks to ensure highway safety is not compromised by new development.

Conclusion

14. Whilst I have found for the appellant in regard to the third main issue, this would be a lack of harm and thus neutral in my conclusions. For the reasons given, and in regard to the first two main issues, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance therewith. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR