



Appeal Decision

Site visit made on 28 March 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con)

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/T2350/W/22/3310564

Mount Pleasant, Ribchester Road, Hothersall, Preston PR3 3XA

- 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 and Mrs H and J Worthington against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2022/0829, dated 9 August 2022, was refused by notice dated 3 November 2022.
 - The development proposed is described as, 'change from a domestic annexe to an independent dwelling.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During my visit I saw 2 rooflights within the rear roof slope of the annexe, as well as 2 small windows to each gable. These openings are not shown on the plans that are before me. In reaching my decision I have assessed the development as shown on the submitted plans and not as built on site.

Main Issues

3. The main issues of this appeal are i) whether the site is a suitable location for housing having regard to the spatial strategy of the development plan and ii) whether there would be suitable access to local services and facilities.

Reasons

Suitable Location

4. The Ribble Valley Borough Council Core Strategy 2008-2028 (Core Strategy) 2014, sets out the Council's spatial strategy in Key Statement (KS) DS1, including directing new housing development towards the principal settlements and villages of the borough. The appeal site is not located within any settlement as defined within KS DS1 and is therefore located within the open countryside.
5. Policy DMG2 of the Core Strategy requires development outside of the defined settlements to meet at least 1 of 5 specified criteria. These include that the development should be essential to the local economy or social wellbeing of the area; needed for the purposes of forestry or agriculture; for local needs housing which meets an identified need; for small-scale tourism or recreational developments appropriate to a rural area, where it is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated, or the development is compatible with the enterprise designation.

6. The appellants consider that the proposal amounts to small-scale development appropriate to a rural location but there is no substantive evidence to corroborate this assertion. Policy DMG2 of the Core Strategy restricts development to those types that have a need to be located within the countryside, working in tandem with Policy KS DS1 to ensure that the majority of new housing development is delivered in established settlements, where there is access to a range of services and facilities. Even if the proposal could be considered to be small-scale, it would create an open market dwelling in the countryside which would be inappropriate in a rural location and contrary to the aims of Policies KS DS1 and DMG2.
7. There is no evidence that the proposal would meet local needs or is essential to the social wellbeing of the area. 'Essential' is a high bar. There would need to be some evidence that the economy or social wellbeing of the area is suffering due to a lack of housing, and that the proposal is essential to remedy this. No such evidence is before me.
8. Also engaged is Policy DMH3 of the Core Strategy which permits residential development in limited circumstances. These include those developments which meet an identified local need, the conversion of suitably located buildings, or the replacement of existing dwellings. The only applicable criteria here would be the conversion of an existing building. Conversion in this context implies that a redundant or disused building would be brought back into use. Such an interpretation would be consistent with paragraph 80 of the National Planning Policy Framework (the Framework). No evidence has been presented to demonstrate that the appeal building is redundant or disused. It has already been converted to and occupied as an annexe. Thus, the proposal would not meet the limited circumstances for development within the open countryside set out in Policy DMH3.
9. I find that the appeal site is not a suitable location for housing having regard to the spatial strategy of the development plan. It would conflict with Policies KS DS1, DMG2 and DMH3 of the Core Strategy as set out above.

Suitable Access to Local Services and Facilities

10. Paragraph 112 of the Framework places pedestrian and cycle trips at the top of the movement hierarchy, with the facilitation of public transport as a secondary matter to be pursued as far as possible.
11. The evidence before me and my own observations indicate that there are no facilities for example, a shop, public house, church or school in proximity to the appeal site, such that the future occupants of the proposed dwelling could walk to meet their everyday needs. Even if there were, Ribchester Road is a well-trafficked rural road, with vehicles travelling at some speed, despite the 40mph restriction just to the north-west of the appeal site. The pavement on the opposite side of the road is narrow, without a verge and unlit such that it would not feel safe or be pleasant to use, even for a short distance. It would discourage travelling by walking, particularly for those with young children or mobility issues, especially after dark.
12. The appeal site may present opportunities for cycling. However, given the nature and speed of Ribchester Road this is likely to only be appealing to the more experienced and confident road cyclists, such that it would be of limited benefit overall.

13. Nearby bus stops would provide a choice to travel by public transport which would be of benefit to the future occupants of the proposed dwelling. However, this is afforded only limited weight given that it is restrained to an hourly service on weekdays and Saturdays, with a more limited service in the evenings and on Sundays. At the time of my visit signs at the bus stops indicated that they were closed, although whether this was on a temporary or permanent basis was unclear. Irrespective of this, the general conditions of the appeal site as discussed above, are such that future occupiers of the proposed dwelling would be more likely to rely on the private car as a safer and more convenient mode of transport, particularly to access employment, supermarkets and primary and secondary schools.
14. Given the association between the occupants of the annexe and the main dwelling and the functional relationship between the two, it is not unreasonable to anticipate that journeys to and from the appeal site could be shared. Whilst not impossible, the creation of a new dwelling is unlikely to continue this arrangement. Moreover, it does not follow that the number of occupants would not increase as a result of the proposal. The submitted plans indicate that the appeal property currently has at least 2 bedrooms which could enable an increase in occupancy, that may simultaneously intensify car ownership. Family visits may also be increased if the dwelling and annexe were occupied independently by unrelated people. The proposal would therefore be likely to result in an intensification of travel particularly by car given the location of the appeal site outside of any settlement.
15. The proposal would not be located to provide suitable access to services and facilities. It would therefore, conflict with Policies DMI2 and DMG3 of the Core Strategy which seek amongst other things, to provide access by pedestrian, cyclists and those with reduced mobility and minimise the need to travel. It would also conflict with the sustainable transport objectives set out in paragraph 112 of the Framework.

Other Matters

16. Paragraph 80 of the Framework advises that decisions should avoid the development of isolated homes in the countryside unless it meets a specified exception. 'Isolated' connotes a dwelling that is physically separate or remote from a settlement, and it is for the decision-maker to determine in relation to the specific circumstances of the case.
17. The appeal site is bounded to the north-east by Ribchester Road (B6245), and open agricultural fields to the south-east, south-west and north-west. Opposite there are 2 dwellings set apart, one to the north and one to the east. Given the distance between the dwellings and the intervening road, the appeal site does not form a cluster of development with these properties. Instead, the setting and siting of the appeal site are such that it is closely related to the surrounding countryside. The presence of the main dwelling or others nearby, does not denote that the appeal site belongs to a settlement. In respect of paragraph 80 of the Framework I find that the appeal site would be isolated.
18. The proposal would not comply with the exceptions for isolated homes in the countryside listed at paragraph 80a), b) and e) of the Framework. Reference is made to the support for new dwellings arising from the subdivision of an existing residential building within criterion d). However, the judgement of *Wiltshire Council v SSHCLG & Mr W Howse* [2020] EWHC 954 (Admin) clarified

the subdivision of separate buildings within a residential unit to independent dwellings is beyond the limited exception allowed by the Framework.

19. Furthermore, there is no evidence that the proposal would re-use redundant or disused buildings to meet the exception presented at paragraph 80c) of the Framework. Hence, the proposed development would not comply with any of the exceptions for isolated housing development within the countryside set out at paragraph 80.
20. Planning is largely concerned with land use in the public interest.¹ The protection of purely private interests is not considered to be a material consideration. However, the appellants have set out their personal circumstances to justify the proposal, including that the main house is too big and has become a financial burden for the occupying family member. The appellants are beyond retirement age and would not wish to leave the annexe if the main house were to be sold.
21. Article 8(1) of the European Convention on Human Rights as enshrined in the Human Rights Act 1998 is therefore engaged. Due regard must also be had to the Public Sector Equality Duty contained in Section 149(1) of the Equality Act 2010, which requires consideration of the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic such as age, and people who do not share it.
22. Whilst I acknowledge the appellants' circumstances, limited evidence has been provided of the family member's ability to afford the existing dwelling, or whether alternative options to meet the family's needs have been explored. Moving to a different dwelling may be difficult but it is not unusual for people to move when a home becomes unsuitable, or circumstances change. Although the appeal property is in residential use, it is as an annexe ancillary to the use of the main dwelling. It is functionally different to that of an independent dwelling, such that the existing use carries little weight in favour of the proposal. Having regard to the well-established planning policy aims of achieving sustainable rural housing, dismissal of the appeal would not result in the appellants losing their home. It would therefore be proportionate and would not result in an unacceptable violation of the appellants' human rights.
23. Absence of harm in respect of the impact on the character and appearance of the area, the living conditions of neighbours and highway safety, carry neutral weight in the planning balance.
24. Reference is made to an appeal decision that allowed the change of use of an annexe to a dwelling within the Council's area.² Conflict was similarly found with the development plan, but material considerations were considered sufficient to outweigh such conflict in that instance. In contrast, the site was not considered to be isolated and was deemed to be located on the edge of a settlement, supported by a limited range of services and facilities. It therefore had a materially different context to that of the appeal site. I have considered the appeal on its own merits.

¹ The Planning Practice Guide Paragraph: 008 Reference ID: 21b-008-20140306.

² Appeal decision APP/T2350/W/21/3285462.

Planning Balance and Conclusion

25. The proposal amounts to a type of residential development that is not supported outside of a settlement within the open countryside. Even though some modest travel could occur by bus or by cycle, it would be in relatively limited circumstances. Overall, the proposal would not minimise the need to travel with services and facilities not readily or safely accessible on foot, which the existing use as an annexe would not offset. As such, the proposal would be at odds with the development plan when taken as a whole.
26. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. Although Policies DMG2 and DMH3 of the Core Strategy predate the Framework, they are broadly consistent with its overarching sustainability aims, by considering where new development should and should not be located, directing housing growth to sustainable settlements and preventing uncontrolled growth in the countryside. In this instance, paragraph 80 is not engaged in favour of the proposal. There is no clear conflict or inconsistency between the Core Strategy and the Framework, such that I attribute full weight to the conflict with the development plan.
27. There are no material considerations in this instance that provide anything other than limited weight in favour of the proposal. Hence, the conflict with the development plan is not outweighed and the appeal is dismissed.

M Clowes

INSPECTOR