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# Appeal Decision

Site visit made on 3 September 2024

**by Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

**Decision date: 30 September 2024**

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**Appeal Ref: APP/T2350/W/24/3344403**

**Brentwood, Pendleton Road, Wiswell, Clitheroe, Lancashire BB7 9BZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Mr David Higgins against the decision of Ribble Valley Borough Council.
  - The application Ref is 3/2024/0170.
  - The development proposed is 1no dwellings.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposal is for permission in principle, which the Planning Practice Guidance advises is an alternative way of obtaining planning permission for housing-led development. The first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

## Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

## Reasons

5. The appeal site is part of a grassland field adjacent to Brentwood, a detached single storey dwelling set in a large mature plot with vegetated boundaries. The grassland parcel that includes the appeal site is separated from Brentwood by a tall, dense hedge and tree-lined boundary and from the neighbouring agricultural land by a post and wire fence. It has a roadside boundary hedge with an agricultural field gateway close to the residential access to Brentwood. A dilapidated shed and a telegraph pole are set back from the road close to the Brentwood boundary. This part of Pendleton Road is characterised by irregular, scattered development surrounded by open countryside beyond the small

settlement of Wiswell. The appeal site is part of the open countryside that surrounds the residential properties in this location.

6. The Council's locational development strategy is set out in policies DS1, DMG2 and DMH3 of Ribble Valley Core Strategy 2008-2028 Local Plan Adopted December 2014 (the LP). This seeks to focus development in accordance with the settlement hierarchy. Wiswell is a Tier 2 village, this being a less sustainable category of defined settlement. Development in Tier 2 villages and outside of settlements is required to meet certain criteria including an identified need for local housing, economic development or a rural location. In the open countryside, proposals should be demonstrably necessary for agriculture, forestry or local needs housing and to be in keeping with the rural landscape. The proposal would not meet the criteria for new housing in the countryside.
7. I note the reference to paragraphs 149e) and 149g) of the National Planning Policy Framework (the Framework). These earlier paragraph numbers relate to existing policies for limited infilling in villages and the limited infilling or redevelopment of previously developed land (PDL) in the Green Belt. It has not been demonstrated that the dilapidated shed is a permanent structure for the purposes of the Framework definition of PDL or indeed that it was not last used for an agricultural purpose. Moreover, there is little robust evidence that the appeal site, which blends into the landscape, should be considered to be developed land by virtue of the nearby shed or telegraph pole. Irrespective, the appeal site is not in the Green Belt and therefore the Framework policies that protect the Green Belt are not relevant to the appeal.
8. The grassland field that contains the appeal site is in the same ownership as Brentwood. The appellant considers that it is part of the residential curtilage and therefore not open countryside. In this regard, my attention has been drawn to *Burford v SSCLG and Test Valley Borough Council* [2017] EWHC 1493 (Admin). This sets out the three factors which must be taken into account in determining what constitutes the curtilage of a building namely physical layout, ownership past and present, and use or function, past and present.
9. Notwithstanding that the dwelling and the appeal site are in the same ownership, the appeal site is part of a field that is physically separated from Brentwood by a mature vegetated boundary. While the field is fenced out from neighbouring agricultural land, that is usual practice to separate agricultural fields or land in separate ownership. The appeal field is physically and visually related to agricultural land rather than to residential land. There is little evidence of residential use, past or present, ancillary to the adjacent dwelling and I have not been provided with robust evidence that establishes a lawful residential use of the appeal site. Irrespective, the appeal site is in the countryside for planning purposes and the relevant LP policies apply.
10. The appeal site is roughly 0.8km from Wiswell, accessed via a narrow rural lane, enclosed by hedgerows and with no footway or streetlighting. Pendleton appears to be somewhat further away, with similar intervening roads. Both are further than would be a short or convenient walk and the appeal site is not accessible by public transport. While future occupiers could cycle to these small rural settlements, they are both Tier 2 villages that do not provide services and facilities to meet the daily needs of local residents. Barrow is even further from the appeal site such that, while it may be a Tier 1 village with regular bus

services, future residents would not travel to and from the settlement by sustainable transport modes.

11. The Framework notes that sustainable transport solutions will vary between urban and rural areas. Nevertheless, it promotes walking, cycling and public transport and it seeks to minimise the number and length of journeys needed. In this case, future occupiers would not have reasonable access to public transport and the location is not within reasonable walking distance of local services and facilities. The location would not minimise the need to travel and future occupiers would be heavily reliant on private vehicle journeys. The fact that existing residents in this area rely on private car journeys does not provide a justification for further development.
12. The detailed design would be a matter for the Technical Consent stage. Even so, the evidence indicates the dwelling would be one and a half storey, finished in stone and slate, with a new highway access and parking and manoeuvring for 3 vehicles. The proposal would introduce built form into a wide undeveloped gap that affords scenic views across the open landscape. It would contribute to a ribbon of residential development and disrupt the rural pattern of scattered development interspersed with agricultural land. Notwithstanding the roadside hedge, the proposed residential highway access, hardstanding turning and parking and new dwelling would have an urbanising effect to the detriment of the rural character and appearance of the area.
13. Therefore, I conclude that the location would not be suitable for residential development, having regard to the rural location and its accessibility, the proposed land use and the amount of development. Accordingly, the proposal would conflict with LP policies DS1, DS2, DM12, DMG2, DMG3 and DMH3. These require among other things, that proposals accord with the Council's settlement hierarchy and rural housing aims, and that the location is accessible by public transport and it minimises the need to travel. It would also conflict with the aims of the Framework in relation to locating rural housing where it would contribute to the vitality of the local community and support local services, support healthy lifestyles and climate change adaptations, and in terms of being sympathetic to landscape setting and sense of place.

### **Other Matters**

14. My attention has been drawn to planning permissions at Brentwood and other dwellings in the area. These include change of use of existing buildings, new ancillary domestic buildings, extensions to dwellings, demolition and replacement of buildings, and holiday accommodation associated with farms. None of these is demonstrably comparable to the proposed new dwelling in the open countryside. They do not weigh in favour of the proposal.
15. The appeal decision referenced as 'APP/T2350/W/2/3269165' relates to 3 dwellings at the edge of a settlement, with adequate access to services, and where the development would improve the site's appearance. At Clayton Le Dale (appeal ref APP/T2350/W/23/3335737), the Inspector found conflict with the Council's development strategy was outweighed by material considerations including that the self-build dwelling would contribute to meeting unmet demand, the appeal site was in walking distance of a range of services and facilities, and it would not harm the landscape character. Neither of these cases

is demonstrably directly comparable to the proposed new dwelling or its somewhat remote rural setting. They do not weigh in its favour.

**Conclusion**

16. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
17. Therefore, I conclude that the appeal should be dismissed.

*Sarah Manchester*

INSPECTOR