



---

# Appeal Decision

Site visit made on 23 April 2013

**by Nicholas Taylor BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29 May 2013**

---

**Appeal Ref: APP/T2350/A/13/2190947**

**Site of former stables, Trapp Lane, Simonstone, Lancashire BB12 7QW**

- 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 Phil Snaith and Mr Larry Shaw against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2012/0723, dated 25 July 2012, was refused by notice dated 4 October 2012.
  - The development proposed is to demolish existing stable block and erect 2 no. 2 storey 4 bedroom detached houses and garage block.
- 

## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Mr Phil Snaith and Mr Larry Shaw against Ribble Valley Borough Council. This application is the subject of a separate Decision.

## Main Issues

3. The main issues in this case are:
  - whether the location of the proposed development would represent a sustainable pattern of development within the countryside;
  - the effect of the development on the character and appearance of the area; and
  - the effect of the development on the living conditions of nearby residents.

## Reasons

### Location

4. The appeal site comprises a single storey block of disused stables and associated land to their front and rear. It stands on a hillside to the west of Higher Trapp Farm and the Higher Trapp Hotel. Access is via an existing track from Trapp Lane to the east.
5. The settlement strategy in the *Ribble Valley Districtwide Local Plan (LP)* is set out in a series of policies. Saved Policy G5 is relevant to development outside settlement and village boundaries. It states that planning consent will only be

granted for small scale developments which fulfil a number of criteria. The explanatory text makes clear that the objective of the policy is to manage change and development pressures within the countryside, in order to protect it from inappropriate development. Saved LP Policy H2 provides more detail regarding residential development outside settlement boundaries. The explanation to that policy also states that the protection of attractive open countryside for its own sake is an important element of both national and county planning policy. Accordingly, the policy sets out a number of types of residential development which may be appropriate, subject to its impact on the countryside.

6. The Council has also referred to a number of emerging policies within its Core Strategy 2008-2018 (CS). From the information provided by the Council, Policy DMG1 concerns general design principles and Policies DMG2 and DMH3 are similar in coverage to LP Policies G5 and H2, respectively. Paragraph 216 of the *National Planning Policy Framework* (the Framework) provides that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the plan, whether there are unresolved objections to the policy and its degree of consistency with the Framework. The Council has requested a six month suspension of the Examination of its CS, to enable it to update its evidence base and consider whether any amendments are required to policies. Therefore, in this case, only very limited weight can be afforded to the emerging CS policies.
7. The Framework sets out, in paragraph 47, that, to boost significantly the supply of housing, local planning authorities should be able to demonstrate a five year supply of deliverable housing sites. The appellants have referred to an appeal decision<sup>1</sup>, concerning a site at Barrow Brook, in which the Inspector concluded, on 30 November 2012, that a five year supply could not be demonstrated within the District. The Council concedes, in its appeal statement, that it cannot demonstrate a five year supply in relation to the current appeal. The Framework further states, in paragraph 49, that, where local planning authorities are unable to demonstrate a five year supply, relevant housing policies should be considered to be out of date. Paragraph 14 explains that, where relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Paragraph 49 also states that housing applications should be considered in the context of the presumption in favour of sustainable development, whilst paragraph 55, with the aim of promoting sustainable development, sets out criteria governing the location of housing in the countryside.
8. The appellants maintain that the Council's current settlement and housing policies are out of date, not only due to the lack of a five year housing supply but also because they were adopted a long time ago. In evidence, they refer to the Barrow Brook appeal, in which the Council agreed that LP Policies G4 and G5 were out of date. However, that appeal concerned a proposal for a large number of dwellings on a site with permission for employment use and so was significantly different in context and in terms of issues to the current appeal. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of

---

<sup>1</sup> APP/T2350/A/12/2176977

consistency with the Framework. In that LP Policies G5 and H2 have the objective of protecting the countryside from inappropriate development, both demonstrate a considerable degree of consistency with the Framework, in particular paragraph 55 of it. Given that degree of consistency, and the significant differences between the Barrow Brook appeal and the current case, the lack of a five year housing supply does not indicate that I should not determine the current appeal in the light of LP Policies G5 and H2. Nevertheless, the Framework is a material consideration which carries very significant weight in this case.

9. Paragraph 55 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. Two houses would, at best, make only a marginal contribution to the vitality of the rural community. Moreover, the appeal site is separated from the straggle of houses on Whins Lane by a circuitous, hilly route. I am not aware of any local services in the immediate vicinity which the development might support. Furthermore, the nearest larger settlements, Simonstone and Sabden, are, according to the Council, 1 and 1.5 miles away over very hilly routes. Although there are a few services in those settlements, occupiers of the proposed development would be very likely to travel by private car to either and, consequently, would be equally likely to use facilities in more distant towns. Therefore, these factors do not indicate that the proposal would represent a sustainable pattern of development.
10. The Framework, in paragraph 55, also states that local planning authorities should avoid new, isolated homes in the countryside, unless there are special circumstances. The appeal site is physically and visually separated from the Higher Trapp Hotel, which stands among tree cover within substantial grounds. Whilst the site is close to a group of residential buildings at Higher Trapp Farm, it is clearly separate from them and surrounded by open fields on three sides, in such a way that it creates a highly exposed and prominent extension of the pattern of built development out into the open countryside. The access to it is also across the open hillside, away from any other development. Moreover, the entire group, including the appeal site, the farm and the hotel, is isolated from the dwellings on Whins Lane. Consequently, the appeal site falls within a reasonable definition of the term 'isolated', as referred to in paragraph 55.
11. LP Policies G5 and H2 and paragraph 55 of the Framework provide for a number of exceptions to the general restraint on development in the countryside. There is no convincing evidence to suggest that the proposal would be related to agriculture or forestry or the essential need for a rural worker to live permanently at or near their place of work in the countryside, that it would secure heritage assets, assist the local economy or social well-being or relate to tourism and recreational development.
12. The two dwellings would make a contribution, albeit modest, to the overall supply of housing but the appellants have not demonstrated that they would meet any identified local need, as referred to in LP Policies G2 or H3. The proposal would re-use previously developed land, as referred to in paragraph 17 of the Framework, but the construction of new buildings would be substantially different from re-use of a redundant building, as referred to in paragraph 55 and in LP Policy H2. Furthermore, given my conclusion below about the effect on character and appearance, I am not persuaded that,

overall, the development would lead to an enhancement of the immediate setting or provide exceptional quality or innovative design.

13. The appellants refer to planning permissions granted in 2006 to convert the disused stables into holiday cottages. They argue that, to satisfy relevant LP policies, the Council must have judged that the stables were “physically well related” to existing development. Be that as it may, on the basis of the limited evidence before me, those permissions were for conversion of the existing building to a different use to that now proposed, so that the policy considerations, which preceded the publication of the Framework, would have been quite different. Whilst the pattern of traffic generated by holiday cottages might have been different to that of two houses, it does not lead me to a different conclusion on the sustainability of the current scheme. Consequently, the circumstances of the previous approvals were not directly comparable to the current scheme and have limited bearing on it.
14. On the first issue, therefore, I conclude that the proposal would create isolated new homes which would not represent a sustainable pattern of development in the countryside. As such, it would conflict with LP Policies G5 and H2, paragraph 55 of the Framework and the core planning principle at the fifth bullet point of paragraph 17, which states that the intrinsic character and beauty of the countryside should be recognised. Consequently, the Framework’s presumption in favour of sustainable development would not apply. Moreover, although the District has an undersupply of housing sites, I conclude, with regard to paragraph 14 of the Framework, that the adverse impacts of the scheme would significantly and demonstrably outweigh the contribution of two dwellings to the housing land supply, when assessed against the policies in the Framework as a whole.

### ***Character and appearance***

15. The site is partly excavated out of the hillside with a low bund to the rear. However, the scale and mass of the proposed houses and garages, particularly given their close spacing and large expanses of roof, in an exposed and prominent position on the hillside, would make them highly prominent within a wide area. Given the dwellings’ size, it would take many years for any landscaping, of the scale and type which would be required to provide effective screening, to mature.
16. The proposed designs, with their hipped roofs and rigid layout would be bland and ‘suburban’ in character. Whilst the proposed use of stone and render could be acceptable, the use of artificial tiles over such expanses of roof would not blend readily into the location. Overall, therefore, the proposed development would be incongruous in its prominent setting and would cause significant harm to the character and appearance of the countryside. Consequently, it would conflict with the objectives of LP Policies G1, H2 and ENV3 which, together, seek to achieve development of high quality design which will be in keeping with and have an acceptable impact on the countryside. In the context of this case, those policies are consistent with the design objectives of the Framework, particularly as set out in paragraph 17 and section 7.
17. The proposed development would not be comparable, in its visual effect, with the previously approved scheme for holiday cottages which was for conversion of the existing buildings, which are single storey. Whilst it would be possible to control elements of the detailed design, such as windows and materials, by

imposition of conditions, it would not be reasonable to condition the fundamental design or scale by such means, so that the scheme would become, in effect, an 'outline' application. In any case, the description of development indicates two dwellings of significant scale. It would be for the Council to determine any fundamentally different scheme, in the light of consultation.

### ***Living conditions***

18. Being taller, the proposed houses would be more visible to occupiers of dwellings on Whin Lane than the existing stables. I agree with neighbours who raise concern that, if the appeal was to be allowed, there would be pressure to remove all or part of the immature screen planting on the southerly slope in front of the stables, even though, from my site visit, it appeared to be outside the appeal site. Nevertheless, whilst I have found that the proposed development would be prominent and harmful in terms of the character and appearance of the area, I am not persuaded that its effect on the occupiers of the Whin Lane dwellings, which are a significant distance away, would be so overbearing as to be harmful to their living conditions. There is no strong evidence to suggest that security lighting would be likely to be unduly intrusive or could not be satisfactorily controlled by a condition.
19. I accept that the upper floors of the proposed houses would have a commanding view down the hillside over Whin Lane. The Council refers to the northern boundary of the garden of Tythe Barn House being 60 metres away from the appeal site. Most of the other dwellings in Whin Lane appear to be further away than that. At those distances, even allowing for the elevated position, I am satisfied that significant actual or perceived loss of privacy would be unlikely to occur.
20. Therefore, the proposal would not harm the living conditions of nearby residents and there would be no conflict, in that regard, with the relevant LP Policy G1, the Council's supplementary planning guidance *Extensions and Alterations to Dwellings* or paragraph 17 of the Framework.

### **Other Matters**

21. I note that the appellants received pre-application advice from the Council which, they argue, set out an assessment of the proposal in relation to locational policies which was subsequently contradicted by the refusal of planning permission. However, the appeal follows the Council's formal decision and any divergence of view between that and pre-application advice, given as such, must have limited bearing on my decision.
22. I have taken account of the representations provided by interested parties but they have not led me to a different overall conclusion.

### **Conclusions**

23. For all the reasons set out above, the appeal should be dismissed.

*Nicholas Taylor*

INSPECTOR