



## Appeal Decision

Hearing held on 23 July 2024

Site visits made on 22 and 24 July 2024

**by S Dean MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> August 2024**

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**Appeal Ref: APP/T2350/W/24/3339770**

**Land adjacent to Further Lane, Mellor, Blackburn, Lancashire, BB2 7QB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Hussain against the decision of Ribble Valley Borough Council.
  - The application Ref is 3/2022/0988.
  - The development proposed is the erection of one private dwelling with landscaping and demolition of equestrian development.
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### Decision

1. The appeal is allowed, and planning permission is granted for the erection of one private dwelling with landscaping and demolition of equestrian development at land adjacent to Further Lane, Blackburn, BB2 7QB in accordance with the terms of the application, Ref 3/2022/0988, subject to the conditions in the attached schedule.

### Preliminary Matters

2. Following the Council's decision on the application, the submission of the appellant's updated Statement of Case and a Technical Note on Access Visibility led the County Council as highway authority to withdraw their objection to the proposal. As a result, the Council confirmed that the sixth reason for refusal was resolved and was no longer at issue, subject to the imposition of conditions.
3. During the hearing, the wording of the main issues in the appeal was discussed and agreed in light of clarification on the policy position of the Council and the case of the appellant. Subsequent to that agreement on wording, I have amended the order in which they appear to give a more logical and coherent flow to my decision. As the main issues being considered have not themselves changed, I am satisfied that no prejudice arises as a result of this approach.
4. I must express my thanks to all parties and in particular, the interested parties, for their contributions to the process as a whole, the hearing and their assistance with my formal site visit.
5. Decision letters are written principally for parties who know what the issues between them are and what evidence and argument has been deployed on those issues. As such, I have not rehearsed the case of any of the parties, or indeed, their detailed, thorough and comprehensive evidence, but have referred to relevant documents where necessary.

6. On 30 July 2024 the government published an open consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a draft text for consultation has been published, the consultation runs until September 2024, and at this stage there is no certainty that the draft text will be the final text. I have carefully considered the changes currently proposed to the Framework and am satisfied that the cases made, evidence given, and conclusions drawn in this appeal would not be affected by them. I have not therefore sought the views of the parties on the draft text for consultation and am satisfied that no prejudice arises as a result.
7. References in this decision, including paragraph numbers are therefore to the December 2023 version of the Framework.

### **Main Issues**

8. Having regard to the decision of the Council, the cases made and the commentary above, the main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
  - The effect of the proposal on the openness of the Green Belt.
  - Whether or not the design of the proposal is of exceptional quality;
  - The effect of the proposal on the character and appearance of the area;
  - The effect of the proposal on the historic environment;
  - Whether or not the site is a suitable location for the development proposed, having regard to its location outside of any defined settlement boundaries and the likely reliance on the private car;
  - The effect of the proposal on the natural environment; and,
  - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal if required.

### **Reasons**

9. The site is currently in equestrian use, with associated buildings and development across the whole site but somewhat concentrated at the western end. The Council describes the landscape in which the site lies as being open land used for housing with associated structures and describes the site as scruffy and utilitarian in appearance, which it says is typical of and part of the character of the Green Belt in this location.
10. The appeal site lies outside any settlement defined in the Ribble Valley Core Strategy 2008 – 2028, adopted December 2014 (the Core Strategy), and is within the Green Belt. Because of this it does not, in spite of the Policy Map submitted by the Council to the appeal, also lie within designated open countryside.

11. The site is adjacent to, but substantially not within Woodfold Park, a Grade II Registered Park and Garden (RPG). That RPG includes within it a number of buildings, including the renovated and redeveloped Woodfold Hall, various other renovated and converted buildings which largely lie within the purposefully designed and laid out landscape of the RPG itself. Some elements of the built form within the RPG are more visible, particularly from Further Lane, notably for this proposal Woodfold Park Farm, dwellings within converted and extended former estate buildings. Nevertheless, the RPG was designed and originally laid out with a series of deliberate views and reveals, almost wholly within its boundaries, and was not intended to be seen from or visible from Further Lane.

*Whether inappropriate development*

12. As noted, the appeal site lies within the Green Belt. Key Statement EN1 of the Core Strategy is broadly consistent with the Framework in that it seeks to maintain the overall extent of the Green Belt to safeguard the surrounding countryside from inappropriate encroachment. Key Statement EN1 seeks to limit the development of new buildings in the Green Belt to those which preserve its openness and do not conflict with its purposes. Unlike the Framework which post-dates the Core Strategy, the policy does not define inappropriate development, and it contains less exceptions.
13. Paragraph 154 of the Framework sets out when the construction of new buildings may be regarded as not inappropriate in the Green Belt. Paragraph 154g allows for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
14. Although they have not made it clear in their evidence, the Council did confirm at the hearing that they considered this exception but discounted it owing to their conclusions on the effect of the proposal on openness.
15. Despite that, it is clear to me, given the equestrian use of the site and the distribution of equestrian development across it, that the site is previously developed land, and the proposal would be redevelopment of it.
16. As such, the proposal may not be inappropriate development in the Green Belt if the proposal does not have a greater impact on the openness of the Green Belt than the existing development.

*Openness*

17. I accept that the proposal would result in an increase in the volume of built form on the site. It would however also result in a substantial reduction in the footprint of built form across the site, and this would be largely consolidated into and around the dwelling itself. Moreover, the bulk of the built form would be set in a more enclosed part of the site, with existing trees to the rear, and sides, with additional planting proposed to each side which would reinforce this sense of visual and spatial enclosure. Despite the proposed house being sat on the highest part of the site, visibility is also limited by the boundaries along Further Lane, their height relative to the road and the angle of views which those combinations allow into and across the site.

18. Despite the volumetric increase in built form on the site, the proposal would result, in my opinion, in an increase in both the visual and spatial openness of the Green Belt.
19. I note the suggestion of the Council, that the replacement of lower lying buildings, typical of equestrian use with a large dwelling would intensify the use of the site, and that such a building would have a greater effect on openness. However, I do not agree that this would be a fundamental change to the character of the Green Belt in this location. Nor do I agree, given the current extent of tree planting around and within the site, that the proposed tree planting would enclose the site to such a degree that it would harm the openness of the Green Belt.
20. I accept that the proposed temple, mausoleum, lake bridge and obelisk would be spread around the site beyond the immediate surroundings of the house itself. However, given their scale in relation to the overall site, and the location of all but the mausoleum in the eastern end of the site, surrounded by and set within existing and proposed planting, they do not alter my conclusions on openness. Whilst the mausoleum is further from the house, it is limited in scale and would be set close to the site boundary, existing and proposed landscaping.
21. I am also required to have regard to policies of the development plan, and in that respect, Key Statement EN1 of the Core Strategy seeks to maintain the overall extent of the Green Belt to safeguard the surrounding countryside from inappropriate encroachment. Given my reasoning above, I do not find that the proposal conflicts with this Key Statement, which the Council confirmed at the hearing is strategic rather than detailed in nature. Taking therefore a strategic view, I am satisfied that the proposal does not harm the overall extent of the Green Belt and would not be inappropriate encroachment into it.
22. On a site-specific assessment, in light of the above, I find that the proposal would not have a greater impact on the openness of the Green Belt than the existing development. It is therefore not inappropriate in the Green Belt having regard to the test at paragraph 154g of the Framework.

*Whether exceptional*

23. It is the principal case of the appellant that the proposal is of exceptional quality, as allowed for in the countryside under paragraph 84e of the Framework.
24. To suggest that the proposal is not exceptional, that it cannot be exceptional because it shares some architectural ancestry with nearby buildings is simply not supported by the evidence or by a reasonable consideration of the policy tests and the context. Whilst the proposal does have some similarities with Woodfold Hall, it is plain from the evidence, covering as it does the history and evolution of architectural styles, including classical and traditional architecture, as well as clearly demonstrating that the proposal has evolved from the primary geometry of classicism, rather than from any sort of pattern book cut-and-paste, that those similarities do not mean that the proposal is not exceptional.

25. Indeed, it is clear from the substantial evidence of experts in the field that the design of the proposal, its orientation, scale, detail, proportions, relationship to its site, the wider context, size, scale, form and layout all represent the highest standards of architecture. These conclusions are wholly consistent with the well-reasoned and developed design rationale set out by the architect themselves.
26. Whilst I of course acknowledge that these experts have been engaged by and appear in support of the case of the appellant, they are nevertheless first and foremost independent experts in their field and engaged on that basis. Indeed, the Traditional Architecture Group (TAG) review panel was made up of architects from different firms, and there is no suggestion, either in their written evidence, or in their evidence at the hearing that TAG or its members would shy away from criticising traditional architecture which was poor quality.
27. Similarly, given the content of the evidence, but notably the Design and Access Statement, the Character Study, the Landscape Analysis, the Landscape Philosophy and the supplementary documents which respond to the reasons for refusal, I do not consider that the proposal as a whole results in the creation of a false narrative in terms of its response to its setting.
28. From the evidence submitted in writing and given at the hearing, it is clear that the proposal has a narrative behind its creation. To describe this as false, simply because it is new does not to my mind properly appreciate either the evidence and justification behind this proposal, or the likely similar process gone through in the past to create such houses, parks and landscapes which are now highly valued, and in which tradition the proposal sits.
29. To suggest that the proposal is simply a pastiche of a historic country house in an area which is agricultural in character denies to my mind the ability of, and indeed, the history of, change in an area. Prior to the construction of Stanley House, Shorrock Green and indeed, Woodfold Hall, the area would have been largely agricultural in character, yet those built interventions are now valued. I accept that the proposal would result in a change to the area, but change is not analogous with harm. There is no compelling evidence before me to the effect that such a change would be harmful or otherwise unacceptable.
30. There is nothing before me which suggests that the proposal would not or could not be successful in integrating into its surroundings. I therefore find that the proposal would and could be successful as a piece of new traditional architecture, with its well-reasoned and well-considered approach to its site and surroundings. This exceptional quality design would raise standards of design in rural areas, by demonstrating the depth of thought, reasoning and background needed to deliver such quality.
31. In addition to considerations around whether the visual and physical standards of the architecture and design of the proposal contribute to it being truly outstanding, it is also important to note the sustainability elements, particularly relating to the operation and lifespan of the proposal.
32. The proposal has been explicitly designed to reduce its long-term energy demands, with clear intentions around thermal insulation, heat loss, air-tightness, ventilation, the use of ground-source heating and overall energy efficiency in use.

33. The proposal then, offers an unusual combination of traditional, classical appearance and architecture particularly in terms of scale, appearance, proportion (including the amount of glazing), with traditional finishing materials, and a modern, forward-looking approach to built-in energy-efficiency and sustainability. This adds weight to my conclusion that the proposal reflects the highest standards of architecture, successfully marrying the traditional and the modern, and in doing so would raise standards of design in rural areas.
34. I therefore find that the proposal is truly outstanding, that it reflects the highest standards in architecture and that it would help to raise standards of design more generally in rural areas.
35. The second part of the exceptional quality test is that the proposal should significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
36. As noted, the appeal site is in equestrian use, with related development and equipment across the site. Parts of it are overgrown and unmaintained, and there is a general spread of equestrian-paraphernalia, although the Council suggests that the appearance of the site is typical for one in equestrian use. However typical such an appearance may be, there is nothing before me to suggest that this should preclude the taking of an opportunity, such as offered here, to enhance the site, its character, appearance or condition.
37. The proposal would result in a consolidation of the built form on the site. There are detailed proposals to improve the overall character and appearance of the site as a whole through a comprehensive landscaping and planting plan. That plan is designed to complement the built form, location and relationship of the dwelling to the site as a whole, as well as to locations beyond it, including the northern edge of the RPG and Further Lane.
38. The local area is characterised at a large scale by large country houses, their estates and designed surroundings, set in and at peace with their rural, agricultural surroundings. At a smaller scale it is characterised as open land used for housing and associated structures. I find that the proposal would be sensitive to those broad characteristics of the local area. I note the concerns of the Council that additional tree and woodland planting would alter the landscape character of the area but find their opposition to that difficult to reconcile with the value they place on the woodland park which backdrops the site.
39. Given the level changes within Woodfold Park, which as a whole has a south-easterly orientation, the design intentions which sought to ensure that Woodfold Hall and the wider Park could not be seen from outside its boundaries, and the relationship of the site to the RPG itself, I do not consider that the proposal is inconsistent with the nature and character of the RPG such that the proposal would be insensitive to, or otherwise conflict with the defining characteristics of the local area.
40. In this, I find that the design of the proposal is of exceptional quality and the proposal would accord with Policy DMG1 of the Core Strategy and national policy in the Framework, particularly the test at paragraph 84e.



### *Character and appearance*

41. The scale and design of the proposal has been carefully and thoughtfully developed as shown in the Design and Access Statement as well as the evidence on the Landscape Analysis, Landscape Philosophy, LVIA, Character Definition Study, Green Belt Statement and Planning Statement. All of this evidence demonstrates that the scale and design of the proposal is appropriate for its location, when considered at all scales.
42. I accept that residential use of the site would potentially be more intensive than the current use. However, I do not consider that this, coupled with the scale and design of the proposal would have an urbanising impact on the site or cause harm to the visual amenity of the area. The proposal is plainly not urban in nature; it is in the English country house tradition, and would appear as such in a largely rural setting. Similarly, whilst the proposal would be visible from some public vantage points, views of it would be largely by design, and the architect is clear that it is designed to be seen in the landscape, and glimpsed views have been deliberately designed and considered.
43. Therefore, whilst the proposal may be visible, I do not find that the simple fact of its visibility could be considered harmful to the visual amenity of the area, particularly in comparison to the existing character and appearance of the site within the wider landscape. Substantial, criticised yet essentially un-rebutted evidence has been provided to support this point.
44. I acknowledge that Woodfold Hall is not visible from the road, so I understand where the Council's concern over competition arises from, but also, despite the classical and traditional design, the proposal would plainly be new, so would not, in my view, reasonably compete with Woodfold Hall for prominence. In any event, as the appellants' evidence shows, there was not historically always a large separation between competing country houses in the region.
45. Taking the criteria within Policy DMG1 as a rational starting point a single, large, stone-built dwelling, standing somewhat alone in a large, countryside site, with a very deliberate and measured relationship to its immediate surroundings and the wider landscape, and considering the details of its design, materials and intended final appearance, I find that the proposal would be fundamentally in keeping with the character of the landscape. It would also, as a large house in open countryside, acknowledge the special qualities of the area in which it sits. The design and quality of the proposal itself, rather than its broader effect on the character and appearance of the area has been considered above.
46. The proposal would not be a fundamental change to the character and appearance of the area, described by the Council as being open land used for housing with associated structures.
47. In terms of wider visual effects, the proposal would, through the landscaping and planting proposed screen the Woodfold Park Farm development from Further Lane and the site, and would remove the equestrian development, which appears as a somewhat piecemeal spread of development across the site. Whilst I accept that the existing equestrian development is largely at the opposite end of the site to the proposal, both it and the proposal are a similar distance from the boundary of the RPG.

48. As such, the 'tidying up' of the site, the consolidation of the built form, and the cohesive approach to planting and landscaping would, to my mind, improve the overall character and appearance of the site and the area in which it is located.
49. Taking all of the above into account, I find that the proposal would have a positive effect on the character and appearance of the area. As such, it would not conflict with the General Considerations set out in Policy DMG1, or the Strategic Considerations in Policy DMG2 of the Core Strategy. It would also not conflict with national policy in the Framework which seeks to achieve well-designed and beautiful places.

#### *Historic environment*

50. As set out above, the appeal site lies adjacent to but substantially not within Woodfold Park, a Grade II Registered Park and Garden (RPG). A small part of the appeal site ownership, and therefore red-line boundary does encroach into the RPG boundary, but it was agreed through the evidence and at the hearing that this was essentially immaterial, given the scale of the appeal site, the RPG, the proposals for that piece of land and the decision of the Council.
51. For Framework purposes, it is therefore a designated heritage asset. It was common ground at the hearing and in the evidence that the RPG is on the Heritage At Risk Register, and has been for some time. Historic England identify the fragmentation of ownership, redevelopment of buildings within it and the management of the wider park for agriculture as contributing to a diminution of the character and quality of the landscape.
52. Nevertheless, the significance of the RPG lies in its historic development, including those involved with its genesis, rise, change and fall, changes to it over time, and its relationship to the social, economic and cultural history of the area.
53. Designed, deliberate and intentional views of the proposal would be gained when travelling along Further Lane. I accept that these could or would be seen by visitors to Woodfold Park, or indeed, people travelling along Further Lane with no intention of visiting Woodfold Park, or indeed knowledge of its existence. However, that does not, and nor is there any evidence to suggest that it would, cause any harm to the setting, significance or special interest of the RPG. The proposal would be, in effect, its own discrete set-piece, much like the RPG itself. It would be adjacent to the RPG, but given the deliberate design of the RPG, the deliberate (and not-so deliberate) changes to it over time, including those described in some detail by Mr Dieffenthaler for the appellant and third-parties in opposition, I do not consider that proximity is harmful. Nor do I consider that there would be any harmful or otherwise unacceptable competition or confusion arising from the proposal. Indeed, to my mind the proposal would offer less competition to the setting and significance of the RPG than the Woodfold Stud, visible from a public right of way, and the gated entrance to it, which sits perpendicular to the gates to the RPG. As I have noted elsewhere above, there is evidence to suggest that the English country house tradition, and in particular, the Lancashire expression of such, did not always require or have, great distances between houses or parks of value. Coupled with my conclusions on design, character and appearance, I therefore find that the proposal would complement, not compete with the RPG and Woodfold Hall.



54. Given the relationship of the appeal site boundary to the RPG boundary, there would be limited views of the proposal from within the RPG. However, these would be from the northern periphery of the RPG, and would, over time, be further limited by the maturing proposed planting. Such views from within the RPG would be obtained in the context of being very obviously, (owing to the presence of the estate wall, fence, and being at the top of the hill within the boundary woodlands) on the edge of the RPG looking out, rather than the main open parkland backdropped by mature woodlands or the main house and set-pieces. In that, I accept that Woodfold Park Farm and the Huntsman's Cottages are a part of the RPG, and designed within it, but they would originally have played a supporting role to the Hall and the Park. As such, I do not consider that change visible from them harms the setting or significance of the RPG.
55. In this, it is also important to note that, as described by almost all parties to the appeal, the RPG was deliberately designed and laid out so as not to be visible from beyond its boundaries. Designed, considered and deliberate views were built and engineered within it, including on entrance to it from various locations, as well as across the landscape, and the combination of the (now mature) woodland, level-changes and south-eastern orientation of the Hall and parkland around it, mean that the substance of the RPG has very little visual or spatial relationship with the appeal site. The RPG appears to me to be an insular heritage asset, albeit one with historic connections to its surroundings, but not visual ones. To that end, I find that the site, the surroundings of the RPG, as described and considered in this appeal contribute little to the significance of the RPG itself as a heritage asset.
56. I accept that historically there was perhaps a functional relationship between the RPG and the appeal site, but history does not sleep, and whilst the proposal would be a change in the site, it would not remove the ability to understand the history to the site, and indeed, the history of change across it. Evidence from all parties has demonstrated that this is a heritage asset and an area which has been subject to significant change over time. This proposal would be the next step in that change, and I am not persuaded by the evidence that this change would be harmful to the historic environment. The appeal proposal, with the detailed historic research undertaken by all parties has, it appears, significantly improved the understanding of the significance of the RPG, the surrounding landscape and the history of the area.
57. Allied to, and contained within the detailed design development set out above is essentially the rebuttal to the Council's heritage harm case. The appellant has clearly shown that competition with Woodfold Hall was a consideration in their design process, and that it was in fact a key factor in developing the appeal proposal.
58. It is important to note in considering this issue that much evidence was submitted and discussed around changes over time within the RPG, and their effect on its significance. Whilst that was instructive in terms of understanding the significance of the RPG, the proposal itself does not and cannot lead to change within the RPG. However, the proposal does include opportunities to repair elements of the estate boundary wall, and there is evidence to suggest that the proposed planting would go some way to improving the overall appearance of the immediate setting of the RPG.

59. I must also acknowledge the criticism by third parties of the assessment of the significance of the RPG as a heritage asset carried out by the appellant. Whilst there is clearly disagreement around the detail of the history of the site and the area, and then the consideration of the effects of that, I do not consider that the criticism undermines the conclusions reached by the appellant, or indeed, that I have reached. To my mind the appellant has clearly met their duty under paragraph 200 of the Framework, and indeed third-party objections and criticism have followed much the same approach.
60. As such, I do not find that the proposal, by virtue of its siting, scale or design would result in any harm to the setting of the RPG, or indeed, to its significance as a designated heritage asset. In reaching this conclusion, I have had regard to the assets' importance and significance, understood, through the evidence and the testing of that evidence at the hearing, the potential impact and effect of the proposal on its significance, and given great weight to the asset's conservation. As such, the proposal does not conflict with Key Statement EN5 or Policy DME4 of the Core Strategy, nor does it conflict with national policy in the Framework which seeks to conserve and enhance the historic environment.

*Whether a suitable location*

61. Key Statement DS1 of the Core Strategy sets the development strategy for the area, with a settlement hierarchy as well as principles around the allocation of specific sites and the need to have regard to constraints such as Green Belt and other designations.
62. Policies DMG1 and DMG2 then set out general and strategic considerations around design, appropriateness for the context and detail around development appropriate for sites outside of settlement boundaries. Policy DMG3 deals with transport and mobility issues, including the desire to reduce the reliance on the private car.
63. Given its location outside of a defined settlement boundary, and failure to meet any of the six criteria in Policy DMG2, the proposal does therefore conflict with Key Statement DS1, and that policy in the Core Strategy. For the reasons set out in the main issues above, I do not find that the proposal conflicts with Policy DMG1 of the Core Strategy.
64. The location of the site means that occupants would be largely reliant on the use of private motor vehicles. Whilst non-car modes of travel would of course be possible, including cycling and public transport, I accept that residents are likely to drive to meet the majority of their day-to-day needs.
65. However, whilst there is a policy presumption against development with such outcomes, given the existence of a number of other dwellings in the immediate vicinity, all of which exist in the same transport context, and indeed, the current use of the site for equestrian purposes with an unknown (and apparently unknowable) number of vehicle movements, I do not find this issue fatal to the proposal. It would not necessarily be any less sustainable, in terms of reliance on the private car than the existing situation. The proposal would not therefore conflict with Policy DMG3 of the Core Strategy.

66. Turning to wider locational issues, the appellant's case is largely predicated on the exception in paragraph 84e of the Framework, which seeks to avoid the development of isolated homes in the countryside unless one of a number of exceptions apply. As the proposal is for essentially, a new English country house, it would be difficult, although I accept not impossible, for this to be sited in an urban area.
67. The Council has presented a somewhat confusing, and, despite discussion at the hearing, still unreconciled position as to whether or not the appeal site is within a settlement. It is agreed that the site is not within a defined settlement for the purposes of the Core Strategy, but at the same time, the Council suggests that taken with the residential properties within Woodfold Park, which on third-party evidence amount to some 34 families, the site is part of, and within something "akin to a hamlet". As such, the Council claims that the site is not isolated, and cannot therefore benefit from the exception at paragraph 84 of the Framework.
68. However, I note the Council's statement that given there is no statutory definition of an isolated home, each case will be considered individually and it will be a matter of fact and degree, with a planning judgement for the decision-maker to decide whether a dwelling is isolated. In making that judgement, I do not find it necessary to conclude as to whether or not the appeal site is within a settlement.
69. Having regard to the position of the Council, the content of the Core Strategy, the characteristics of the site, its location, distance to settlements, facilities and services I find the site is isolated and the dwelling would therefore be an isolated one.
70. Whilst I accept that there are other dwellings nearby, I consider that they too are isolated and do not accept the Council's suggestion that the dwellings within and around Woodfold Park are "akin to a hamlet". I go further and find that this suggestion is somewhat confusing and inconsistent with the otherwise clear Core Strategy position, in that such a term is not found within Key Statement DS1 or national policy.
71. I therefore find that whilst the site is not a suitable location for the development proposed in light of Key Statement DS1 and Policy DMG2 of the Core Strategy, it does not conflict with Policy DMG1 or DMG3.
72. As the site is isolated, the exception set out in paragraph 84e of the Framework is engaged. Having regard to my conclusions above, the proposal therefore benefits from that exception.
73. Given the implicit acceptance in paragraph 84e of the likely inherent unsustainability of such sites in transport terms, and my comments above, this reinforces my finding that there is no overall conflict with Policy DMG3 of the Core Strategy.
74. Taking all of the above together, having regard to both the development plan and relevant material considerations, I find that the appeal site is a suitable location for the development proposed, having regard to its location outside of any defined settlement boundaries and the likely reliance on the private car.

### *Natural environment*

75. Following the Council's decision on the application, significant further survey work, including two Ecology Updates and a Bat Emergence Survey Report has been undertaken. This work has established that the proposal would not have any unacceptable or harmful effect on protected species and that it would significantly improve the biodiversity of the site.
76. Whilst the proposal predated the statutory requirement for biodiversity net gain, the appellant has nevertheless submitted a Statutory Biodiversity Metric calculation which demonstrates a substantial and significant gain as a result of the proposal (89.7% gain in habitat units, and 45.4% in hedgerow units). Coupled with the opportunity to provide a significant area of parkland habitat to replace the existing modified grassland, this is a substantial benefit. The Council has not criticised this updated position but has suggested that conditions would be necessary to ensure compliance with recommendations made in the reports, particularly around the need for further survey work and methodologies.
77. As such, subject to the imposition of relevant conditions, I am satisfied that the proposal could provide the necessary mitigation identified in the submitted reports, would provide and protect wildlife corridors, deliver significant biodiversity net gain and would have a significantly positive effect on the natural environment. It would therefore not conflict with Key Statement EN4, or Policy DME3 of the Core Strategy.

### *Very special circumstances*

78. As I have found that the proposal would not be inappropriate development in the Green Belt, it is not necessary to consider whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

### **Other Matters**

79. Third parties have expressed concerns over the effect of the proposal on residential amenity, including the loss of views across the site from properties within the RPG. Whilst I note those objections, there is no right to a view. Those views are possible and persist at present as a result of the condition of the site and could be lost without recourse to the planning system through planting.
80. I also do not consider that there would be any unacceptable privacy or other living condition effects. I note queries around the particular location of the dwelling within the site, but this is a clearly justified, deliberate and well-reasoned choice. Concerns over headlight intrusion would largely be mitigated by the existing and proposed planting, as well as distance, and the dwelling and its windows would be sufficiently far from, and with sufficient intervening screening that I do not find there would be any harm to living conditions as a result of loss of privacy or overlooking. Similarly, despite the scale of the proposal, given its scale relative to the existing mature trees and its distance from other nearby properties, I do not consider that any harm would arise by way of overdominance or overshadowing.

81. Other concerns over matters such as infrastructure and drainage are noted but are not shared by consultees or the Council and do not therefore alter my conclusions on the main issues. Concerns about construction effects, such as traffic, noise and other disturbance would be appropriately mitigated by the submission and enforcement of a Construction Environmental Management Plan and would be temporary in any event.

### **Conditions**

82. The Council and the appellant suggested a number of conditions to be attached, should planning permission be granted and these were discussed in detail at the hearing. Having had regard to the requirements of the Framework and the Planning Practice Guidance (PPG) I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2). Conditions 3, 4, 5, 6 and 7 are necessary to ensure the satisfactory appearance of the completed development. Conditions 8 and 20 are necessary to ensure that the natural environment is appropriately protected and improved in line with the case made. Whilst the Condition 9 is necessary to ensure that the proposal can be implemented without harming the amenity of occupiers of nearby properties, highway safety or the natural environment. Condition 10 is necessary to ensure that the proposal is appropriately drained, and conditions 11 to 14 ensure that the site can be appropriately and safely accessed during construction and in use.
83. Although the appellant suggests that condition 15 is unnecessary as it essentially replicates the content of their Environmental Lighting Impact Assessment Report. Given the sensitivity of the site, and the potential for revisions to the strategy set out, I am satisfied that the condition is necessary to ensure that lighting within the site is appropriate for the location.
84. I have carefully considered the wide-ranging removal of permitted development rights requested by the Council in condition 16. Whilst such a condition would not normally pass the tests of reasonableness or necessity, in this case, I am satisfied that there is clear justification to restrict the rights set out. The exceptional design of the proposal as a whole, including the spaces around the house, as well as the house itself, is a significant part of the case in favour of the proposal, and features heavily in my reasoning. The protection and maintenance of the deliberate, purposeful and well-justified design, appearance and relationship to the structures around it and the preservation of the original architectural intent and quality is therefore necessary to protect and worthy of it. The condition is therefore reasonable and necessary.
85. Conditions 17 and 18 are necessary to ensure that the design intention of the proposal, and its effects on the area are maintained as intended, given the sensitivity of the acceptability of the proposal to the case made in its favour.
86. Although disputed by the Council as neither necessary nor relevant, I have imposed condition 19 as requested by the appellant. Although I have accepted the case that the proposal does not have any unacceptable effects on the historic environment, it does not follow that the opportunity to secure improvements should not be taken. As the condition would result in an improvement to the condition and appearance of the RPG, as well as ensuring that the appeal proposal has a cohesive and coherent southern boundary with it, I am satisfied that the condition meets all of the relevant tests.

87. The appellant has confirmed in writing that they have no objection to the terms of the pre-commencement conditions proposed (4, 5, 7, 9, 10, 11). It is necessary and reasonable that the information required by these conditions be provided prior to the commencement of development, as these are matters which cannot properly or reasonably be addressed following the commencement of the development.
88. Overall, I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the PPG and would ensure that the appeal proposal was implemented in line with the case made and would ensure that its effects are as intended.

## **Conclusion**

89. I have found above that the proposal is not inappropriate development in the Green Belt, that its design is of exceptional quality, it would not harm the character and appearance of the area, would not harm the historic environment, that the site is a suitable location and that there would be no harm to the natural environment.
90. There is limited conflict between the proposal and the development plan with respect to Key Statement DS1 and Policy DMG2 of the Core Strategy. However, I have also found that the proposal would not conflict with Key Statements EN1, EN4 or EN5. Nor have I found conflict with Policies DMG1, DMG3, DME1, DME2, DME3 or DME4. In respect of the main issues, I have also found no conflict with national policy in the Framework when read as a whole.
91. The test at paragraph 84e of the Framework is, of course, consistent with the wider Framework emphasis on well-designed and beautiful places. That the proposal is of exceptional quality means that it finds support from throughout the Framework, notably also at paragraph 139 which makes clear that significant weight should be given to outstanding designs which help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. I have found above that the proposal does this. As such, it finds support in the Framework generally as well as specifically at paragraphs 84 and 139.
92. The proposal sits within, and continues the English country house tradition, and in particular, the Lancashire expression of it, in a landscape and area, which although of value, has nevertheless been subject to and will continue to be subject to change. I have found that the proposal, including its exceptional quality of design is appropriate change in that context.
93. The proposal also offers a number of other benefits, including, but not limited to, a significant biodiversity net gain, the restoration of part of the historic boundary wall, the opportunity for development and maintenance of traditional building and construction skills married to modern approaches to energy efficiency, as well as the potential opportunity for future study of the architectural, design and construction process behind a dwelling of exceptional quality. I also note that the proposal has already, as a result of the application, opposition to it, and this appeal, advanced the understanding of the history and significance of the site, the RPG and the area.



94. The Framework support combined with the benefits above are material considerations of significant weight. Given the very limited development plan conflict I have found, I am therefore satisfied that there are material considerations which indicate that a decision be taken other than in strict accordance with the development plan.

95. The appeal should therefore be allowed, and planning permission granted.

*S Dean*

INSPECTOR

## Appearances

### FOR THE APPELLANT

James Strachan KC	39 Essex Chambers
Kathryn Jukes BA(Hons) DipTP MRTPI	Directions Planning Consultancy
Francis Shaw RIBA BA(Hons) MA DipArch	Shaw and Jagger Architects
Ian Dieffenthaler BA BArch	Shaw and Jagger Architects
BA (Landscape Architecture) PhD RIBA SCA	
Matthew Massarella-Gill	Shaw and Jagger Architects
BA(Hons) M.Arch RIBA	
Robert Hughes BSc(Hons) PGDip LA CMLI	Incola Landscape Planning
Dominic Rigby MCIEEM	CCNW
Jan Maciag RIBA	Traditional Architecture Group
Jeremy Musson MPhil FSA	

### FOR THE COUNCIL

Kathryn Hughes MRTPI MTPL	Principal Planning Officer
Stephen Kilmartin	Principal Planning Officer

### INTERESTED PARTIES

Karen Davies	Local resident
Edward Davies	Local resident
Amanda Gillett	Local resident
Andrew Gillett	Local resident
Peter Thompson	Local resident
David Smith	Local resident
Elaine Taylor MA	Lancashire Gardens Trust, Garden Historian

## Hearing documents

1. Ribble Valley Core Strategy 2008 – 2028 Glossary

## **Schedule of Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following plans:
  - Site Location Plan 383/01 (02) 001
  - Proposed Site Plan 383/01 (02) 004
  - Demolition Plan 383/01 (02) 006
  - Proposed Floor Plan Basement 383/01 (02) 100
  - Proposed Floor Plan Ground 383/01 (02) 101
  - Proposed Floor Plan Ground with Context 383/01 (02) 005
  - Proposed First Floor Plan First 383/01 (02) 102
  - Proposed Floor Plan Roof 383/01 (02) 103
  - Proposed North/East Elevations 383/01 (02) 200 Rev A
  - Proposed South/West Elevations 383/01 (02) 201
  - Proposed Elevations Portico 383/01 (02) 202
  - Proposed Garden Structures 383/01 (02) 500
  - Proposed Garden Structures 383/01 (02) 501
  - Proposed Section Long 383/01 (02) 300
  - Proposed Section Short 383/01 (02) 301
  - Proposed Section Site & Context 383/01 (02) 302
  - Landscape Plan 383/01 (02) 003
  - Proposed Planting Plan 383/01 (02) 007
3. Samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development. The development shall thereafter be implemented in strict accordance with the approved materials.
4. Prior to the commencement of development details of the existing and proposed land levels and existing and proposed floor levels shall be submitted to and approved in writing by the Local Planning Authority.
5. Prior to the commencement of development details of the proposed sections of windows at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority.
6. During the construction period, all trees to be retained within and adjacent to the site shall be protected in strict accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.

Furthermore, a root protection measures shall be set up along the boundary of the woodland adjacent to Woodfold Park to ensure no trees are directly impacted by the development. The exclusion zones will remain in place throughout the demolition and construction phases and fully accord with the methodology set out in BS 5837:2012 during all site preparation/construction works.

No materials, soil, spoil or other substance shall be stored with the protective areas at any time and no changes in land levels shall occur within these areas. Any no dig, hand digging and protective membranes shall only occur with the prior written approval of the Local Planning Authority.

7. Notwithstanding the submitted plans no development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include but not limited to the following: areas of soft landscaping including retention of trees, hedgerows and other planting, hard surfaced areas and materials, boundary treatments, planting schemes with full specifications and schedules including plant size, species and number/ densities, existing landscaping to be retained, details of any changes in land levels or landform and the types and specifications of all retaining and new structures.

The landscaping works shall be carried out in accordance with the approved details prior to first occupation of the dwelling or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 15 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

8. The development shall be carried out in strict accordance with the mitigation measures as set out in Section 6 'Further Survey, Mitigation and Enhancements' and Section 7 'Recommendations' of the Preliminary Ecological Appraisal Report by CCNW dated 21st November 2022, Section 6 'Conclusions and Recommendations' of the Ecology Update by CCNW dated 14th February 2024, that dated 30th May 2024, and the Recommendations and Conclusions of the CCNW Bat Emergence Survey Report dated 28th June 2024.

There shall be no ground clearance undertaken outside of the bird breeding season (1 March – 31 August inclusive) unless a pre-work nesting bird survey of the site has been undertaken by licenced ecologist.

The mitigation measures shall have been fully implemented prior to first occupation of the dwellinghouse hereby approved and thereafter maintained and retained as such in perpetuity.

9. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:
- dust and dirt mitigation measures during the construction period,
  - control of noise and vibration emanating from the site during the construction period,
  - hours and days of construction work for the development,
  - contractors' compounds and other storage arrangements,
  - provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period,
  - arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (including wheel washing facilities),
  - external lighting of the site during the construction period,
  - measures to protect watercourses against spillage incidents and pollution,
  - details of the routing of construction traffic, and
  - a timetable for the provision of the above.

The construction of the development shall be carried out in accordance with the approved CEMP.

10. No development shall commence until full details of the surface and foul water drainage systems for the site have been submitted to and approved in writing by the Local Planning Authority. The detailed surface water scheme shall be based upon the sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The scheme shall subsequently be fully implemented in accordance with the approved details prior to the development being completed and occupied.
11. No development shall commence until a scheme for the provision of the primary vehicular access and the closure of the existing secondary access has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general accordance with the Technical Note 157302-001-01 and plans submitted by Sandersons plans 157302-001 and 157302-002 and shall include a timetable for implementation. The development shall be carried out in accordance with the approved scheme, which shall remain in place thereafter.
12. The visibility splays of 2 metres by 68.6 metres to the east and 2 metres by 97.2 metres to the west shall have been provided at the site vehicular access prior to the first occupation of the dwellinghouse. These shall thereafter be permanently maintained with nothing within those splays higher than 1 metre above the level of the adjacent footway/verge/highway.
13. No building or use hereby permitted shall be occupied or use commenced until the verge has been reinstated to full height, where any vehicle crossovers are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

The driveway and turning facilities shall have been constructed in a bound porous material, with the surface drainage into the site only and thereafter made available for use prior to the first occupation of the dwellinghouse. The undercroft parking and turning facilities shall thereafter be maintained and retained in perpetuity.

14. Prior to their installation details of a scheme for external building mounted or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of wildlife habitats is minimised/mitigated. The lighting schemes shall be implemented in accordance with the approved details and thereafter retained as approved.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2 Part 1 Classes A-H, Part 2 Class A and Part 15, or any subsequent enactment or re-enactment thereto, no alterations, extensions or outbuildings shall be undertaken/erected, no gates, fences, walls shall be erected within the site, and no renewable energy shall be installed on any building or free-standing within the site, other than those expressly included on the approved drawings, without express planning permission having first being obtained.
16. The buildings and structures indicated on the Proposed Landscaping Plan 383/01 (02) 0003 shall not at any time be used other than for purposes incidental to the residential use of the dwelling.
17. Prior to the first occupation of the dwellinghouse a plan indicating the residential curtilage to be associated with the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
18. Before first occupation of the dwelling hereby permitted the section of wall separating Woodfold Park from the application site along the southern boundary will be repaired. Details of the sections to be repaired are to be submitted to and approved in writing by the Local Planning Authority before any development commences and the works are to be inspected to confirm completion to the Local Planning Authority's satisfaction before first occupation of the dwelling.
19. Evidence of bat roosting and swallow-nesting opportunities and of a barn owl nest box on the site shall be submitted to and approved in writing by the local planning authority prior to first occupation.

### **End of Schedule of Conditions**