

**Town and Country Planning (Appeals)
(Written Representations Procedure)
(England) Regulations 2009**

**Statement of Case on behalf of
Mr T Ball - L'Escargotiere (Ribble
Valley) Ltd**

Boadicea Park
Preston Rd
Ribchester

June 2025



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1 Introduction

- 1.1 This Statement of Case is prepared on behalf of Mr T Ball ('the Appellant') in support of a Written Representations Appeal against the refusal of planning permission for the retention of two holiday lodges and office building with associated parking, infrastructure at Boadicea Park, Preston Rd, Ribchester ('the Appeal site').
- 1.2 The application (ref – 3/2025/0107) was determined by Ribble Valley Borough Council ('the Council'), by way of officer delegation, on the 23rd April 2025 and contains two reasons for refusal.
- 1.3 The reasons, as detailed within the decision notice are as follows:
1. *The proposed siting, size and design of holiday lodges 5 and 6, additional hardstanding and the erection of an additional office building would result in an incongruous, encroachment into the open countryside, resulting in a loss of openness within the site. The development is therefore contrary to Policies DMG1, DMG2 and DMB3 of the Ribble Valley Core Strategy*
 2. *The application has not been supported by a Flood Risk Assessment. In the absence of this, there is insufficient information to fully assess the impact of Flood Risk resulting from the development, contrary to Policy DME6 of the Ribble Valley Core Strategy and the National Planning Policy Framework.*
- 1.4 This Statement of Case will fully address the key issues in determining the appeal and demonstrate why consent should be granted.

2 Site, surroundings and proposed development

- 2.1 The Appeal site comprises an existing building used for heliciculture and two holiday lodges (of six consented) which obtained planning permission under approval 3/2021/0595
- 2.2 It is located to the north of Preston Road and benefits from an existing vehicular access from the B6245. The land within the site is generally flat and contains areas of hard surfacing with soft landscaping.



Figure 1 – site location

- 2.3 The site has been found to be a suitable location for tourism and leisure uses by way of the previous, extant permissions, which have been partially implemented at the time of writing.
- 2.4 The development subject to this Appeal would be directly related to that use, in seeking to relocate two of the six holiday lodges approved and retain a modest office building immediately adjacent to the heliciculture building.
- 2.5 With regard to the lodges, it was sought to retain the bodies of two modular buildings which had been brought on to the site and alter them in accordance with the submitted drawings, including new external cladding and roofing. These modular buildings and the office structure were subject to a separate enforcement notice, issued during consideration of the planning application, against which an appeal has also been lodged (PINS ref – 3363899).

3 Planning policy

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole and requires that application be determined in accordance with the plan, unless material considerations indicate otherwise.
- 3.2 For the purposes of this application, the development plan comprises the Ribble Valley Core Strategy (adopted in December 2014).

The development plan

- 3.3 The reasons for refusal indicate conflict with Policies DS4, DS5, H09 and TR2 of the Core Strategy. All other relevant considerations are deemed to be satisfactory, therefore the analysis in this Statement will be limited to assessment of the policies, cited by the Council:
- **Policy DMG1** sets out various criteria to be considered in assessing planning applications, requiring new development to be sympathetic to existing land uses, highway safety and not adversely affect the amenities of the area.
 - **Policy DMG2** seeks to control new development in accordance with the Council's spatial vision. Within the open countryside, schemes will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting.
 - **Policy DMB3** confirms the development which extends the range of tourism and visitor facilities will be supported, subject to consideration of a number of listed criteria.
 - **Policy DME6** advises that development should not be put at an unacceptable risk of flooding.

4 Case for the Appellant

- 4.1 The reasons for refusal, as laid out in the decision notice, will be considered below and assessed against the aims and objectives of the respective policies.
- 4.2 It is evident that the decision relates to two key matters, with the broad principle of development being confirmed as acceptable in the case officer's delegated report:
- The visual impact of the development within the open countryside and impact on openness within the site; and
 - Flood risk arising from the proposals.

Visual impact

- 4.3 The case officer's delegated report sets out concerns that the relocation and variation of lodges 5 and 6, as proposed, would result in unacceptable encroachment which would be incongruous with the character of the area and reduce visual separation to the nearest residential properties adjacent to the site.
- 4.4 With regard to the office building, the Council accept that it is not highly visible, it represents further built form at the site which has already benefitted from permission for new buildings and therefore results in further encroachment in the open countryside.
- 4.5 The two lodges in question would be moved further north when compared to their originally consented location, but would still be visually and physically well related to the existing built form present at the site. In this regard there would be not undue or unacceptable impact on the character or appearance of the open countryside in this location.
- 4.6 The site benefits from good levels of natural screening and a sense of enclosure due to the presence of existing built form and landscaping, which remains unaffected by the development as proposed. It is not prominently in short or long distance views and clearly relates well to the adjacent settlement. As such the quantum of development would not appear prominent or incongruous in this location.
- 4.7 Whilst the style of the new lodges would differ to those originally approved, this does not automatically equate to harm. The massing and scale remains comparable and the palette of materials would provide visual consistency and despite being located further into the site. The collection of buildings remain as a visually cohesive unit, in close proximity to each other and part of an established cluster.
- 4.8 With regard to the office building, it is modest in nature and clearly ancillary to the adjacent buildings. The Council accept that it is not highly visible and it is not considered that their concerns regarding cumulative development generates the harm suggested.
- 4.9 In light of these factors it is not considered that the development as proposed would result in a fundamental conflict with Policies DMG1, DMG2 and DMB3 as suggested.

Flood risk

- 4.10 At the time of submitting the planning application (first lodged on the 6th February 2025), the development in question fell within Flood Zone 1. Whilst other areas of the site were within FZ's 2 and 3, nothing was proposed in those locations.
- 4.11 On the 7th April 2025 the Environment Agency provided a formal response in which they advised as follows (emphasis added):

"We previously responded to an application for this site, your reference 3/2021/0595, our reference NO/2021/113649/01-L01, dated 08 July 2021, and had no objection to the proposal. Subsequent to the site obtaining planning approval in September 2021, the Environment Agency's Flood Map for Planning (FMfP) has been revised. The FMfP was updated 25 March 2025 and shows the two lodges that are proposed for relocation are now located in Flood Zone 3 on the approved plans, Flood Zone 3 being land at high risk of flooding.

The current application proposes the relocation of lodges 5 and 6. Lodge 6 would be located within Flood Zone 2 while lodge 5 would be moved elsewhere within Flood Zone 3.

Environment Agency position

As the revised location of lodge 6 shows a betterment in terms of flood risk to that proposed in the extant permission, we have no objection to the proposed relocation of lodges 5 and 6. The applicant should understand that lodge 5 would potentially remain at a high risk of flooding and they may wish to further reconsider whether to locate this unit to part of the site at a lower risk. If planning permission is granted for the relocation of lodges 5 and 6, we request that the following planning condition be added to any planning consent.

Condition No development shall take place until a flood management strategy for Lodges 5 and 6 has been submitted to, and approved in writing, by the local planning authority. The strategy should include etc etc"

- 4.12 This response confirms that the strategic flood map for the area had been updated during the course of the application (unbeknown to the Appellant until the EA response) resulting in the lodges being located in areas of higher risk. However the EA were clearly comfortable with this matter subject to the imposition of the suggested conditions.
- 4.13 A second EA response was provided to the Council on the 23rd April 2025, presumably prompted by the LPA, to highlight that the proposed office building also formed part of the application. As such they requested a Flood Risk Assessment to assess this matter. The Council issued the decision notice on the same day that the EA response was received.

- 4.14 Whilst the case officer indicated on the 2nd April that an FRA would likely be needed for the application due to the change in the strategic flood maps, the Appellant was not able to formally review and consider the EA position before the refusal was issued, concurrently with the receipt of that written advice. It is understandable that the Appellant would wish to understand the comments of a statutory consultee such as this, before considering their options and before instructing further work to be carried out. Similarly, accounting for the small size and nature of the building, there was also the potential that it could be relocated to an area at lower risk within the site, had that opportunity been given.
- 4.15 The Appellant in this instance has been subject to changes to the flood zones, beyond their control during the course of their submission, and has not been given an opportunity to consider the formal comments of the EA or the opportunity to consider alternative locations for the office building.
- 4.16 This structure appears to have been on the site since June 2022 based on Google Earth imaging (albeit located marginally further south than its current position, as per the aerial image below) and in this regard the quantum of development and available flood plain within the plot has not altered in 3 years, considering existing buildings and those yet to be erected by way of the extant permission. The building has a footprint of only 18sqm and therefore does not occupy a significant area.



Figure 2 – aerial image dated June 2022

- 4.17 The Appellant lodged the application in good faith and on the basis that the development fell within Flood Zone 1. It is defined as 'less vulnerable' development in Annex 3 of the NPPF and as such it was not considered that any issues would arise in this regard.

4.18 The Appellant does not consider that it would have a significant or unacceptable impact on flood risk due to the matters set out above and that the Council's refusal on this basis was unjustified, accounting for the available alternatives which were present but not utilised.

5 Summary and conclusion

- 5.1 This Statement of Case has been prepared on behalf of Mr T Ball in support of a Written Representations Appeal against the refusal of planning permission for the retention of two holiday lodges and office building with associated parking, infrastructure at Boadicea Park, Preston Rd, Ribchester.
- 5.2 It has been demonstrated that the concerns outlined within the reasons for refusal are overstated and would not result in the level of harm suggested.
- 5.3 In light of this and all of the matters detailed within this Statement, it is respectfully requested that the Appeal is allowed and planning permission is granted, subject to any appropriate conditions as deemed necessary.