

# **PLANNING APPEAL STATEMENT OF CASE**

**s78 of the Town and Country Planning Act (1990)**

**CONVERSION OF BARN TO FORM TWO DWELLINGS**

**AT**

**COWLEY BROOK FARM**

**HIGHER ROAD**

**LONGRIDGE**

**PR3 2YX**

**REF: RIBBLE VALLEY BOROUGH COUNCIL**

**APPLICATION NO: 3/2015/0016**

**APPELLANTS: MRS K BUTCHER AND MRS C QUICK**

**JULY 2015**

*CLIENTS:*

This appeal statement has been prepared by Andy Rushby BA(Hons), BTP, MBA, MRTPI, who is the Principal of Assent Planning Consultancy Ltd, on behalf of the appellants.

### **Reasons for Refusal (Decision Notice dated 4 March 2015)**

*1 The proposal is considered contrary to Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new isolated dwellings in the AONB without sufficient justification resulting in harm to the development strategy for the borough as set out in the Ribble Valley Core Strategy.*

*2 The proposed development would create a harmful precedent for the acceptance of other similar proposals without sufficient justification which would have an adverse impact on the implementation of the emerging planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.*

*3 The proposed parking and associated manoeuvring facilities, by virtue of its layout and proximity to the adjacent public highway, would lead to conditions to the detriment of highway safety contrary to Core Strategy Core Strategy Policy DMG1.*

### **Appellant's Case**

In summary, it is the appellants case that the principle of development is acceptable and that the proposed development is not in an isolated location and nor does it prejudice the development strategy for the borough. The matter of precedent is not considered to be a material planning consideration that carries significant weight. The detailed highway matters are held to be capable of resolution by condition.

The first reason for refusal is considered by the appellants to be at the heart of the decision and primarily concerns the principle of development. In the context of policy DS1, the Local Planning Authority (LPA) delegated case officer report refers to the Council's five year land supply for housing and states that as the site is not located within a settlement targeted for growth then the principle of development is not considered to be acceptable. However, it is contended that the first line of policy DS1 states that the **majority** of new housing development will be in these targeted settlements. The policy does not state that **all** new development should be within these settlements, and so it is held that this policy allows for a **minority** of new development to be provided outside the targeted settlements. Furthermore, it is contended

by the appellants that policy DS1 applies primarily to planned housing growth and to the strategic consideration of sites to be allocated for residential purposes within emerging development plan documents, rather than to the consideration of one-off barn conversions.

Policy DMG2 states that development within the open countryside should be in keeping with the character of the landscape and, where possible, new development should be accommodated through the re-use of existing buildings. Quite clearly, this is the situation with the proposed development ie it consists of the re-use of an existing building. Within the AONB, policy DMG2 goes on to state that the Council will have regard to the protection, conservation, and enhancement of the landscape and character of the area and that new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build. Again, it is clear that the proposed scheme meets this requirement.

The consideration of the proposed development within the delegated case officer report makes no mention of policy DMG2 and there is no assessment of the proposed scheme against this policy within the report. It therefore seems perverse that this policy should be quoted within the reasons for refusal. In any event, it is held that the the proposed scheme meets the criteria set out in policy DMG2, as the proposed scheme re-uses an existing building and is in keeping with the character and appearance of the area, with little or no external works to the barn and minimal external alterations to form curtilage.

Of greater significance therefore is the consideration of the proposed development within the context of policy DMH3. In this policy, it states that, within open countryside or AONB, residential development will be limited to (in section 2) the appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. Buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction. In the context of the proposed development, it is held that its form and general design are in keeping with its surroundings and that it is structurally sound and capable of conversion.

The delegated case officer report makes no adverse comments with regard to these matters and confirms that the “conversion of buildings is acceptable (in principle) under Policy DMH3”. It must therefore be concluded that the alleged non-compliance with this policy rests solely on the matter of “suitable location”. In this respect, the delegated case officer report has assessed the proposed development in the context of its location with regard to the Principle settlement of Longridge. However, it is contended that the correct policy against which to assess the proposed development is policy DMH4, of which there is no mention in the delegated case officer report or in

the reasons for refusal. This policy states that planning permission will be granted for the conversion of buildings to dwellings where the building is not isolated in the landscape **or** it forms part of an already group of buildings. In this case, the barn is attached to an existing residential property and there are a number of properties within a radius of 300m from the proposed development, including a nearby residential property and Cuckoo Hall Farm and outbuildings on Higher Road, and the New Drop Public House, restaurant, and accommodation at the junction of Higher Road with Stoney Gate Lane (see Appendix 1). Therefore, it is contended that the proposed barn conversion forms part of an already group of buildings and, as such, complies with this first part of policy DMH4.

As policy DMH4 has not been used as a reason for refusal, it must be concluded that the proposed development accords with this policy in this and all other respects. However, notwithstanding this fact, the delegated case officer report has assessed the location of the proposed development in the context of its distance from, and accessibility to, services and facilities in Longridge. Whilst it is accepted that public transport provision is less than ideal in this area, this is a situation encountered in many such rural areas where public transport provision is generally limited (the nearest bus stops are at Knowle Green, which is 1.5km from the site and accessed via a country road, albeit with no designated footpath). It is contended however that the location of the site meets the requirements of policy DMH4 in that the development forms part of a group of buildings and that this policy should have been the main policy used in the assessment of the application rather than policies DS1, DMG2 and DMH3. Policy DMH4 is attached as Appendix 2.

It is also contended that the LPA has not given sufficient consideration nor weight to the fact that the property is a non-designated heritage asset. The conversion of the barn into separate residential properties will ensure that the building is preserved and enhanced and is therefore a significant material planning consideration in favour of the proposed scheme.

With regard to the second reason for refusal, that of precedent, it is held that this issue is not a material planning consideration that should carry significant weight as it is contended that every application should be assessed and determined on its own merits. It is difficult to see how a precedent could be set in any case, as the location, siting, and detailed design considerations of this property are unique. As such, any matters of precedent are held to carry little weight.

With respect to the third reason for refusal, that of an adverse impact on highway safety, it is contended that the parking layout is a matter of detail that can be secured by condition. There is no physical or other reason that would mitigate against an acceptable parking layout being agreed with the LPA and it is held that any amended

layout would be unlikely to have a such a significant effect on the character and appearance of the property and/or the AONB so as to make it unacceptable.

## **Conclusion**

Therefore, for the reasons set out above, it is respectfully requested that this appeal is allowed.

Should the Inspector be minded to allow this appeal, the appellants have no objection to the Inspector attaching conditions to the permission as deemed necessary.