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**Little Dudlands  
Farm  
Rimington Lane  
Rimington**

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Conversion of barns to two dwellings with garages, creation of garden areas, replacement garage for farmhouse and installation of package treatment plant.

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**Appeal Statement  
Reference  
APP/T2350/W/15/  
3128758  
Planning application  
reference 3/2014/1090**

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June 2015

**Janet Dixon**

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**Ref. W/C482**

## 1.0 INTRODUCTION

1.1 The application which is the subject of this appeal was validated by Ribble Valley Borough Council on 9<sup>th</sup> December 2014 and given the reference number 3/2014/1090. The application sought planning permission for the conversion of two barns in to two dwellings with garages, the creation of curtilages, installation of new package treatment plant and the erection of a new domestic garage for the farmhouse.

1.2 The Local Planning Authority refused planning permission on 20 May 2015 for the following reasons:

- 1 *The proposal is considered contrary to Key Statements DS1, DS2 and policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy (Adopted Version) in that the approval would lead to the creation of new dwellings in the open countryside without sufficient justification which would cause harm to the development strategy for the borough. It is further considered that the approval of this application would lead to an unsustainable form of development in a location that does not benefit from local services or facilities, placing further reliance on the private motor-vehicle contrary to the NPPF presumption in favour of sustainable development.*
- 2 *The proposal, by virtue of the extent of proposed residential curtilage and the likely visual impact of associated domestic paraphernalia such as sheds, washing lines, children's play equipment and fence lines would represent an urban encroachment into the area to the detriment of the character and appearance of the defined open countryside. It is therefore considered contrary to Policies DMG1 and DMH3 of the Ribble Valley Core Strategy (Adopted Version).*
- 3 *The proposed development would result in the creation of two dwellings in an unsustainable location which would create a harmful precedent for the acceptance of other similar unjustified proposals without sufficient justification which cumulatively would have an adverse impact on the implementation of the Development Strategy, as adopted within the Ribble Valley Core Strategy, contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.*

1.3 This Statement sets out the grounds of appeal and the planning case for granting planning permission of the above development. It should be read in conjunction with all plans and documents submitted with the planning application, which are listed in appendix 1.<sup>1</sup>

1.4 This statement describes the site and its surroundings, the history of the application site and the relevant planning guidance. The planning issues are then discussed before arriving at the conclusion that the proposed development accords with the development plan and national planning policy

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<sup>1</sup> Appendix 1 List of documents submitted with planning application

and would not cause harm to the development strategy for the borough or result in a harm to the visual qualities of the open countryside. Consequently, it is concluded that the appeal should be allowed

## **2.0 APPEAL SITE AND SURROUNDING AREA**

- 2.1 The appeal site comprises a farmhouse two traditional stone barns a large modern agricultural building and various smaller domestic and agricultural outbuildings and the curtilages to these buildings. To the east of the site is a small workshop. These buildings together form a distinct group. Vehicle access to the site is from an unadopted track which leads from Rimington Lane and serves several other residential properties and the surrounding farm land. A public footpath runs through the farmyard. The barns are considered to be non-designated heritage assets due to their age and traditional vernacular character.
- 2.2 The land around little Dudlands Farm is used for grazing animals. It is categorised as open countryside in the proposal maps of the adopted Ribble Valley Districtwide Local Plan. The nearest defined settlements are Rimington 700m to the south and Gisburn 2.8km to the north east.

## **3.0 RELEVANT PLANNING POLICY**

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Ribble Valley Core Strategy (adopted 2014) and the National Planning Policy Framework (NPPF) (2012).

### **Core Strategy (2014)**

- 3.2 The Core Strategy forms the central document of the Local Development Framework (LDF), establishing the vision, underlying objectives and key principles that will guide the development of the area to 2028. The following policies are of relevance to the proposal:
- Key Statement DS1 (Development Strategy) – seeks to direct the majority of new housing development to the strategic (Standen) site and the main urban areas of the Borough. Development within Tier 2 village settlements will need to meet proven local needs or deliver regeneration benefits.

- Key Statement DS2 (Presumption in favour of sustainable development) – the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework
- Key Statement EN5 (Heritage Assets) – expects there will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings.
- Policy DMG1 (General Considerations) – sets out various criteria to be considered in assessing planning applications, including a high standard of building design, proposed development being sympathetic to existing land uses, highway safety and not adversely affecting the amenities of the area.
- Policy DMG2 (Strategic Considerations) – expects development to be in accordance with the Development Strategy and that development proposals in defined settlements should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement. The policy goes on to indicate that within the open countryside, development 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. It also indicates that where possible, new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build.
- Policy DME4 (Protecting Heritage Assets) – Seeks positive improvements in the quality of the historic environment.
- Policy DMH3 (Dwellings in the Open Countryside and Area of Outstanding Natural Beauty) – Within areas defined as open countryside or AONB, residential development will be limited to, amongst other things, the appropriate conversion of buildings to dwellings providing they are suitably located.
- Policy DMH4 (The Conversion of Barns and other buildings to dwellings) – Permission will be granted for the conversion of buildings to dwellings where the building is not isolated in the landscape i.e. forms part of an already group of buildings and there need be no unnecessary expenditure by public authorities and utilities on the provision of infrastructure.

## **National Planning Policy and Guidance**

3.3 The National Planning Policy Framework (NPPF) clearly states ‘that the purpose of the planning system is to contribute to the achievement of sustainable development’ (para 6). Paragraph 197 confirms that ‘in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development’. Paragraph 14 sets this out and confirms its purpose at the heart of the NPPF. For decision-taking this means:

- Approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or
  - specific policies in this Framework indicate development should be restricted.

3.4 The NPPF (paras 2, 11, 12 and 196) confirms that applications for planning permission are required to be determined in accordance with the development plan unless material considerations indicate otherwise.

3.5 The NPPF highlights the importance of keeping development plans up to date (para 12). Paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

3.6 The main body of the NPPF addresses the components of sustainable development. The aspects of those components most relevant to the appeal are:

- *'delivering a wide choice of high quality homes'* at paragraph 55 promotes sustainable development in rural areas. Development for new dwellings in the countryside is acceptable in limited circumstances including where the development would re-use redundant or disused buildings and would lead to an enhancement to the immediate siting or the development would represent the optimal viable use of a heritage asset.
- *'Conserving and enhancing the historic environment'* paragraph 131 requires local authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

## **4.0 PLANNING ASSESSMENT**

4.1 The main issues to be considered in this appeal are:

- Whether or not the proposed conversion of the barns to dwellings is justified having regard to their location.
- the effect on the character of the open landscape of the creation of the domestic curtilages in association with the new dwellings.

4.2 The NPPF at paragraph 55 sets out circumstances where development in the countryside outside settlement boundaries is appropriate. This includes development which would represent the optimum viable use of a heritage asset and where the development would re-use redundant or disused buildings and lead to an enhancement of their immediate setting. Both of

these circumstances apply to the appeal proposal. The Council has accepted that the barns represent a non-designated heritage asset<sup>2</sup>. They have also accepted that the removal of the existing modern farm building have the potential to enhance the character and appearance of the site and area<sup>3</sup>.

- 4.3 Cleary paragraph 55 of the NPPF is setting out exceptional circumstances where new dwellings can be created that are outside settlement boundaries. The Council's Core Strategy has only recently been adopted. The Planning Inspector's Report on the examination in the Ribble Valley Core Strategy dated 25<sup>th</sup> November 2014 commenting on a previous version of the Core Strategy says at paragraph 149 *"As submitted, Policy DMH4 appears to suggest that barn conversions will only be allowed where the building is in a defined settlement. This is not the Council's intention. The remedy suggested through MM28 is therefore necessary."*<sup>4</sup> The suggested amendment which now appears in the adopted Core Strategy policy DMH4 was *"Amend bullet point one of policy DMH4 as set out below: The building is not isolated in the landscape, ie it is within a defined settlement or forms part of an already group of buildings"*<sup>5</sup> This exception expressed in DMH4 reflects paragraph 55 of the NPPF. If it was not the Council's intention that barn conversions should only be granted permission in defined settlements the adopted version of DMH4 must now express where planning permission for barn conversions can be granted.

- 4.4 Contrary to this, the Council's interpretation of its own Core Strategy Policy as expressed in the Planning Officer's delegated report has the effect that unless the proposed barn conversion is close to a defined settlement in principle it will be unacceptable. The Officer states:

"Policy DMG2 set out the strategic considerations in relation to housing and states that residential dwellings outside the defined Settlement Areas must meet a number of considerations, none of which apply to the current proposal for open market housing and states that development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision. It further stipulates that development proposals in the tier 2 settlements should be for the purposes of meeting proven local need, deliver regeneration benefits or meet specific criteria, none of which apply to the current proposal. The site is isolated from the settlement boundary at its nearest point by approximately 600m (being located within the Defined Open Countryside) and due to its isolation from the nearest defined settlement, it would not be appropriate to refer to it as expansion, consolidation or rounding off. In respect of dwellings in the open countryside and those located in the Forest of Bowland AONB these are covered by Policies DMH3 which

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<sup>2</sup> Appendix 2 Pre-application advice dated 10<sup>th</sup> October 2014 page2, third paragraph.

<sup>3</sup> Appendix 2 Pre-application advice dated 10<sup>th</sup> October 2014 page 3 fourth paragraph.

<sup>4</sup> Appendix 3 Inspector's Report dated November 2014

<sup>5</sup> Appendix 4 Appendix to Inspector's Report on the Ribble Valley B C Core Strategy

similarly seeks to resist such developments unless they are to meet an identified local need or specific criteria, none of which apply to the current proposal"<sup>6</sup>. (My emphasis)

- 4.5 Clearly, in this part of the assessment no account has been taken that the development is for a barn conversion. It is assessed as if the development is for a newly built dwelling. Having concluded that the proposal is not acceptable under DMG2 and DMH3 when the Officer considers the proposal against policy DMH4 he decides he is constrained by the other policies to find the proposal unacceptable even though he considers that *"to some extent Policy DMH4, in principle, would support the current application."*<sup>7</sup> This is confirmed in the following paragraph where he considered the proposal in relation to policy DS1 where he concludes that development *"will only be acceptable in principle if it is for local needs housing or would result in measurable regeneration benefits"*<sup>8</sup>.
- 4.6 The inter-relationship of the policies in the Core Strategy have been misinterpreted by the Council in relation this application. Had the interpretation been applied correctly the application would not have been refused permission on the basis given in the first and third reasons for refusal.
- 4.7 A correct interpretation of these policies was recently set out in an appeal decision letter relating to a barn conversion at Eatoughs Farm Fleet Street Lane Ribchester<sup>9</sup>. Like Little Dudlands Farm, Eatoughs Farm is situated in the open countryside outside a settlement boundary. The Inspector stated at paragraphs 4 and 5:

"Ribble Valley Core Strategy Policy DMG2 states that new development should, where possible, be accommodated through the re-use of existing buildings. Core Strategy policy DMH3, also directs that new residential development will only be permitted in specific circumstances, one of which includes the appropriate conversion of buildings providing they are suitably located. This approach underpins the development strategy and the settlement hierarchy for the area, and is broadly consistent with the National Planning Policy Framework ('the Framework').

In seeking to establish whether or not the appeal site is suitably located Core Strategy Policy DMH4 deals specifically with the conversion of barns and other buildings to dwellings. Criterion 1 states that planning permission will be granted where the building is *"not isolated within the landscape i.e. it is within a defined settlement or forms part of an already group of buildings"*.

He concludes that the barn is in a group of buildings and not isolated, see paragraph 6, and not in conflict with policies DMG2, DMH3, DMH4, DS1 or DS2 see paragraph 9.

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<sup>6</sup> Appendix 5 Delegated Item File Report 3/2014/1090 page 3

<sup>7</sup> Appendix 5 Delegated Item File Report 3/2014/1090 page 4 fourth paragraph.

<sup>8</sup> Appendix 5 Delegated Item File Report 3/2014/1090 page 4 fifth paragraph.

<sup>9</sup> Appendix 6 Appeal decision APP/T2350/W/15/3006322



- 4.8 The barns at Little Dudlands Farm are located to the north of the farmhouse (and its domestic outbuildings) and to the west of the small workshop. Even with the demolition of the modern farm buildings they would still form a group of four buildings and therefore meets the requirements of Policy DMH4(1). The proposal re-uses existing buildings and is therefore compliant with Policy DMG2. As the building is suitably located within an already group of buildings as required by DMH4(1), the proposal also complies with Policy DMH3
- 4.9 In the first reason for refusal the Council expresses concern that the location of the appeal site will mean that the new residents will be reliant on motor vehicles for transport. A similar concern was raised in the appeal at Eatoughs Farm. The Inspector when considering the reliance on a motor vehicle was speaking in general when he comments at paragraphs 8 and 9:
- “However, by its very nature the conversion of a barn or other agricultural building is likely to be located in a rural area with potentially only very limited access to public transport provision. Furthermore, in dealing specifically with conversions there is no requirement within Core Strategy Policy DMH4 for barns or other building to be located within defined settlements, only that they are not isolated in the landscape. It is also pertinent to consider that the Framework permits new isolated homes in the countryside where development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.
- Despite attaching considerable weight to the lack of available public transport provision I therefore conclude that in terms of its location the barn would be suitable for conversion. As a result, there is no conflict with Core Strategy policies DMG2, DMH3 or DMH4”
- 4.10 The same analysis can equally be applied to the appeal site and the same conclusion reached. There is limited access to public transport but this is not fatal under the above analysis. We conclude that like Eatoughs Farm the location of the barns in relation to public transport at Little Dudlands is acceptable and there is no conflict with Core strategies DMG2, DMH3 or DMH4 in this regard.
- 4.11 Our view that the location of the proposed conversions is acceptable is reinforced by another recent appeal decision at Sheepfold Farm, Balderstone Hall Lane, Balderstone, BB2 7LA. Reference APP/T2350/A/2225334<sup>10</sup>. Sheepfold Farm like Eatoughs Farm and Little Dudlands is in the open countryside outside a defined settlement. Again the Inspector concluded that the two barns proposed to be converted to dwellings together with the existing farmhouse formed an already group of buildings and satisfied the requirements of Policy DMH4 (paragraph 9). The fact the proposal included the re-use of existing buildings ensured that the proposal complied with policy DMG2 (paragraph 11). Again, as in the Eatough's Farm appeal the Inspector acknowledged that Sheepfold Farm was some distance from services and facilities but the location in this respect, did not prevent the Inspector from finding the location of the barns acceptable.

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<sup>10</sup> Appendix 7 Appeal Sheepfold Farm APP/T2350/A/14/2225334

- 4.12 In addition the Inspector also considered that the benefit of preserving the heritage asset through the conversion of the barns to dwellings satisfied policy DMG2 (5) because this represented small scale development appropriate to a rural area where a benefit can be demonstrated (paragraph 11). The same applies to this appeal since the proposal will secure the future of two non-designated heritage assets which is a benefit and so policy DMG2(5) is satisfied. The conversion of the barns to dwellings represents the optimal viable use for these buildings preserving them for the long term. The proposal meets two of the stated exceptions in paragraph 55 of the Framework to avoid isolated homes in the countryside; the optimal viable use of a heritage asset, and the re-use of disused buildings leading to an enhancement to the immediate setting.
- 4.13 The Council on its second reason for refusal refers to the perceived negative impact of the creation and extent of the proposed residential curtilage on the character and appearance of the open countryside. In detail it expresses concern in regards to the urban appearance of domestic paraphernalia in association with the proposed residential use. In the Delegated Report the Officer expresses concern in regards to the extent of the curtilage to barn 01 and in general in regards to the number of garages created.<sup>11</sup>
- 4.14 A comparison of the existing site plan 4580-01A and the proposed site 4580-05B quickly reveals that the footprints of the outbuildings around barn 01 and 02 and the domestic outbuildings of the farmhouse which are to be replaced is greater than the garages which will replace them. The outbuilding to the north west of the barn one is a poor quality agricultural building built out of rendered blockwork and corrugated sheets. The outbuilding next to barn 02 to the north east is constructed from timber with a corrugated sheet roof. The small garage building to the north east of the farmhouse is constructed from rendered blockwork with a corrugated sheet roof and the long outbuilding to the east of the farmhouse is constructed from a mixture of blockwork and timber with corrugated sheet roofing. All of these buildings appear to have been constructed in the twentieth century, they are of no architectural merit and they detract from the setting of the farmhouse and barns which are non-designated heritage assets.
- 4.15 It is proposed to replace these buildings with three detached double garages constructed out of natural stone and slate with timber doors. Drawing 4580-08B shows that the garage to barn 01 will be built into the ground so that if it is viewed from the north only the upper portion of the gable will be visible. Likewise the garage to barn 02 is positioned forward of the existing timber building so that the back of the garage is in line with the north elevation of the barn and it is less prominent than the building it replaces. The proposed garage for the farmhouse is substantially smaller than the current buildings which it will replace. The proposed garages are simple single storey structures, similar in scale to agricultural as well as domestic outbuildings.

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<sup>11</sup> Appendix 5 Delegated Report page 2

The replacement of the current outbuildings with these garages will secure an improvement to the visual qualities of this group of buildings and the open countryside in which they are set. The garages will be less prominent in the landscape and better and more closely related to the main stone buildings on the site than the buildings they replace this element of the proposal complies with policies DMG1 and DMH3.

- 4.16 The proposal includes the conversion of the stone barns to dwellings, the removal and replacement of the smaller agricultural and domestic outbuildings with garages and the complete removal of the modern agricultural buildings and structures to the west and south of barn 01. The removal of these modern agricultural buildings will significantly improve the setting of the non-designated heritage assets and the visual qualities of the open countryside. These modern agricultural buildings are utilitarian in appearance and have no architectural merit. Whilst modern agricultural buildings may not be unusual in the landscape they cannot be said to enhance the visual qualities of the landscape. Modern agricultural buildings are accepted as a necessary part of the agricultural use of the land but in most cases they do not enhance the landscape. The removal of these large modern agricultural buildings and the restoration of the land back to agricultural fields will have a significant beneficial impact on the visual qualities of the open countryside. In addition the removal of the buildings will significantly improve the setting of the non-designated heritage assets. This is compliant with policies DMH3, DMG1 and paragraph 55 of the Framework.
- 4.17 The extent of the proposed domestic curtilages of the proposed barn conversions reflects, and does not go beyond the extent of the curtilage and field boundaries around the current farmstead. The overall extent of the curtilage of the farmstead will be reduced through the removal of the modern farm buildings. The change of use of the buildings and curtilage, from agricultural to domestic will have a slight 'urbanising effect' reflecting the new use. This will not in itself be harmful to the visual appearance of the open countryside, particularly as it is combined with the significant improvement to the character of the countryside which will be achieved through the removal of the modern farm buildings and the restoration of the land back to field.
- 4.18 Should the Inspector have any remaining concerns regarding the domestication of the curtilage of the proposed barn conversions then it would be possible to control any future changes such as the erection of sheds, walls the creation of hard standings etc. through the removal of permitted development rights. The inclusion of domestic garages in the scheme ensures that there will be space to store domestic paraphernalia such as garden chairs out of sight when they are not in use.

## **5.0 CONCLUSION**

- 5.1 The proposed conversion of the two stone barns to two dwellings meets the locational requirements of policy DMH4 of the Core Strategy in that they are

situated within an already group of buildings. The proposal meets the requirements of the Framework paragraph 55 and Policy DMG2 in that it re-uses existing buildings and enhances their immediate setting and has the benefit of providing the optimal viable use for non-designated heritage assets. In meeting these policies the proposal also accords with policy DMH3 because it proposes the conversion suitably located buildings to dwellings. Policies DMH4, DMH3 and DMG2 underpin policies DS1 and DS2. The proposal is consistent with the development strategy and the settlement hierarchy set out in DS1 and there is no conflict with the presumption in favour of sustainable development cited in policy DS2.

- 5.2 The character and appearance of the open countryside will be improved through the removal of the modern farm buildings with a significant area of land being returned to field. The proposed curtilages and garages to the barn conversions and farmhouse are sympathetically designed and follow existing boundaries. The proposal will not harm the visual qualities of the open countryside and so comply with policies DMG1 and DMH3.
- 5.3 We respectfully request that the Inspector allows the appeal.

## **6.0 APPENDICES**

Appendix 1 List of documents submitted with planning application

Appendix 2 Pre-application advice dated 10<sup>th</sup> October 2014

Appendix 3 Inspector's Report dated November 2014

Appendix 4 Appendix to Inspector's Report on the Ribble Valley B C Core Strategy

Appendix 5 Delegated Item File Report 3/2014/1090

Appendix 6 Appeal decision Eatough's Farm APP/T2350/W/15/3006322

Appendix 7 Appeal decision Sheepfold Farm APP/T2350/A/14/2225334

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