

**Proposed Hot Tub Facilities  
Higher Trapp Hotel  
Simonstone  
BB12 7QW**

**LPA REF: 3/2024/0642**

**Appeal Statement**  
on behalf of Lakeside Collection Ltd

April 2025



**Proposed Hot Tub Facilities**  
**Higher Trapp Hotel**  
**Simonstone**  
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Appendices

**Appendix 1**  
Delegated Report on appeal proposal

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# 1. Introduction

- 1.1. This Appeal Statement has been prepared on behalf of Lakeside Collection Limited (the Appellant) in support of an appeal against the refusal of planning permission by Ribble Valley Borough Council (the Council) for the installation of two temporary hot tub facilities within the grounds of Higher Trapp Hotel on Trapp Lane in Simonstone.
  - 1.2. This Appeal Statement presents the case for the Appellant and adopts the following structure:
    - ) Section 2: presents the factual backgrounds details that are relevant to the appeal proposal, and identifies the matters that are in dispute and not in dispute;
    - ) Section 3: comprises the Appellant's rebuttal of the Council's single reason for the refusal of planning permission;
    - ) Section 4: identifies other considerations that the Appellant contends are material to the determination of the appeal;
    - ) Section 5: presents the Appellant's consideration of the planning balance and draws its conclusions.
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## 2. Factual Background

### Appeal Site

- 2.1. The appeal site comprises an area of lawn that is set within the landscaped grounds of Higher Trapp Hotel. The appeal site extends to 31m<sup>2</sup> and is located towards the south western corner of the hotel grounds. Existing soft landscaping and planting immediately adjoin the site to the north and east, with a mature tree and hedgerow to the south and a hedgerow and a detached hotel accommodation block and its associated car parking to the west.
- 2.2. The main hotel building is located to the north, which comprises a 2-storey building at a level several metres higher than the appeal site. Two external stone staircases provide access from the hotel down a terraced slope to the appeal site. The appeal site is accessible on foot only, and is only accessible from within the grounds of the hotel.
- 2.3. Higher Trapp Hotel is located approximately 1km to the north east of Simonstone and 2.3km to the north west of Padiham. The site is located within the open countryside, but has immediate neighbours to include several residential properties and an equestrian stud/livery business.
- 2.4. The site is located outside the Forest of Bowland AONB, and is not located within a Conservation Area or near a Listed Building.

### Planning History

- 2.5. The planning history relating to the hotel site is set out in the Officer Report on the appeal proposal, which is enclosed at **Appendix 1**. None of the past applications are directly relevant to the appeal proposal, with application 3/2023/0113 relating to proposed hot tub facilities within a different part of the hotel grounds within woodland to the north of the hotel building. It is, however, evident that alterations and significant extensions to the hotel and erection of new buildings within its grounds have previously been found to be acceptable by the Council.

### Appeal Proposal

- 2.6. The appeal proposal comprises two identical hot tub facilities located within the hotels lawned gardens. Each hot tub facility will comprise a timber decked platform accommodating a changing room cabin and a hot tub, enclosed by a timber screen and partial roof covering. An area of artificial grass accommodating seating/loungers will be positioned adjacent to the raised deck and enclosed with a timber picket fence with gated access. **Image 1**, below, shows one of the proposed facilities *in situ*. The two hot tub facilities will be located side-by-side.
  - 2.7. It is proposed that the hot tub facilities are made available for use by guests on a temporary basis, for a period of seven months between April and October each year. Accordingly, the construction of the facility has been designed to enable it to be erected with minimal ground disturbance, and so that it can be easily dismantled at the end of each season and transported away from the appeal site for storage.
  - 2.8. No fixed drainage is proposed, with the tubs being filled by hosepipe and emptied using a pump to the hotels septic tank. The Appellant has hand dug a trench to accommodate an electricity cable to provide power to each hot tub. Lighting within and around the hot tub facilities will be solar powered save for a submersed light in the hot tub and an internal motion activated light in the changing room.
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Image 1



- 2.9. The hot tub facilities will, therefore, be temporary both in terms of their construction and their presence on the appeal site.
- 2.10. The use of the hot tub facilities will be strictly controlled. The hotel will make the facilities available to guests on a pre-booked basis. The facilities will be available for 45-minute sessions between 12 noon and 7pm when this aligns with other events and functions at the hotel. The facilities will not be made available for use when there is a wedding/wedding reception being hosted, for example. Furthermore, the use of the facilities will cease no later than 7pm in order to remove the potential for any disturbance to hotel guests and neighbours. The Appellant will not allow music to be played to ensure that it does not disturb other hotel guests. The booking system will require guests to agree to a series of rules over the use of the hot tub facilities prior to confirming the booking, thereby enabling the hotel staff effectively supervise their use, enforcing the rules if and when necessary.
- 2.11. The proposed facilities are not intended to be in use all day, every day. Instead, the hotel seeks to provide an additional attraction to help increase guest numbers and occupancy rates in between times of higher demand, whereby short breaks or afternoon teas including use of the hot tub facility, for example, can be offered on a select basis.
- 2.12. The Appellant erected the proposed hot tub facilities in June 2024 and they were, therefore, in place for the Council to inspect during the course of the determination of the planning application. However, in accordance with the proposed temporary use, the facilities were subsequently dismantled and put into storage over the winter. The Appellant is currently (late March/early April 2025) in the process of re-installing the facilities to assist the determinant of this appeal. They will, therefore, be in place at the time of the appeal site visit.

### **Planning Application and Refusal**

- 2.13. The planning application was submitted on 25 July 2024 for the following description of development:

*'Erection of two freestanding hot tub facilities within the hotel grounds for a temporary*

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*period each year’.*

- 2.14. The application was validated on 15 August 2024 under reference 3/2024/0642 with the following description of development given:

*‘Retention of two unauthorised sheds with decking and fencing containing hot tubs in garden area to front of hotel’.*

- 2.15. The Appellant objected to the description of development, primarily due to its failure to acknowledge the temporary nature of the proposal, but no amendment was made by the Council.

- 2.16. The application was refused consent on 22 November 2024 for the following single reason:

*‘The development, as constructed, is poor in terms of design and does not relate well to the existing hotel building, by virtue of the materials used and domestic type of construction. The development fails to be sympathetic to its surroundings and results in a detrimental visual impact on this open countryside setting, contrary to policies DMG1 and DMG2 of the Ribble Valley Core Strategy 2008 – 2028.’*

### **Matters in Dispute**

- 2.17. In accordance with the single reason for refusal, the matters in dispute comprise the following:

- a) Alleged breach of Core Strategy Policy DMG1; and
- b) Alleged breach of Core Strategy Policy DMG2.

- 2.18. The alleged policy breaches are addressed by the Appellant in Section 3 of this Statement.

### **Matters Not in Dispute**

- 2.19. The reason for refusal does not allege any conflict with the following (amongst others):

- a) The National Planning Policy Framework (NPPF),
- b) Ribble Valley Core Strategy Policy DMB1;
- c) Ribble Valley Core Strategy Policy DMB3;
- d) Ribble Valley Core Strategy Policy DME1;
- e) Ribble Valley Core Strategy Policy DME2; and
- f) Ribble Valley Core Strategy Policy EN2.

- 2.20. Copies of the above referenced Core Strategy policies are enclosed at **Appendix 2**.
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### 3. Rebuttal of the Reason For Refusal

- 3.1. The Appellant presents a rebuttal of the reason for refusal, below, in the context set by the two separate Core Strategy Policies that the Council claims to have been breached by the appeal proposal.

#### Policy DMG1

- 3.2. Policy DMG1 sets out general considerations to be taken into account when assessing development proposals, with such considerations being set out under Design, Access, Amenity, Environment, Infrastructure and other sub-headings. Overall, twenty one separate considerations are stated. The reason for refusal and Officer Report do not clarify which considerations the appeal proposal is deemed to conflict with, or satisfy. It is, therefore, unclear how the Council has concluded that the appeal proposal is contrary to the policy as a whole.

- 3.3. Nevertheless, under the sub-heading '*Effects Upon Landscape/Visual Amenity*' the Officer Report concludes:

*'The impact on landscape and visual amenity in terms of impact on the character of the area is not acceptable and contrary to policies DMG1 and DMG2'.*

- 3.4. It, therefore, appears to be the case that the Council contends that the appeal proposal is contrary to the Design and Amenity considerations set out in Policy DMG1.

#### Design Considerations

- 3.5. With regard to the design considerations, it is evident that some of the stated considerations are not relevant to the assessment of the appeal proposal. A temporary hot tub facility is not required to achieve a recognised housebuilding standard, and there is no suggestion that the proposal is unacceptable because it fails to incorporate sustainable construction techniques or deliver renewable energy. Instead, it appears to be the Council's case that the design of the appeal proposal and use of materials and domesticating features is harmful to the open countryside setting. Furthermore, the Officer Report alleges that the temporary nature of the proposal would cause harm to the landscape when the proposed hot tub facilities have been removed.
- 3.6. Before assessing the impact of the proposal upon its open countryside setting, it is first important to understand that countryside setting and the contribution that the appeal site currently makes towards its character.
- 3.7. The appeal site is set within the landscaped grounds to the south of Higher Trapp Hotel's main building. These grounds comprise an expanse of lawn that is enclosed by mature vegetation to the south and west with a more open aspect to Trapp Lane in the east. The wide southern frontage of the main hotel building is located at a higher level to the north of the lawn, with access between the lawn and building via a terrace. The lawn accommodates a central pergola, often with rows of seating to its front, and numerous statues. A 2-storey storage building is set within the lawn close to the eastern boundary with Trapp Lane, with a further 2-storey detached accommodation block located beyond the western edge of the lawn. These existing built features are identified on **Image 2**, below. The local topography and presence of mature vegetation gives the appeal site a strong sense of enclosure.
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Image 2



Hotel Accommodation Block   Appeal Site   Existing Pergola   Storage Building

- 3.8. The area to the west of the hotel grounds comprises a large equestrian facility (A in Image 2) that accommodates a range of buildings set within an expanse of paddocks. A group of residential dwellings is located to the north west, overlooking the hotel and the western edge of its grounds (B in Image 2). Within the hotel grounds is a densely wooded area on a steep slope rising to the north of the hotel building (C in Image 2), with grazing land beyond. Further grazing land is located to the east across Trapp Lane. The area to the south of the hotel site comprises grazing land and residential properties lining the frontages to Trapp Lane and Whins Lane. The density of built development increases to the south west on the approach to Simonstone village.
- 3.9. The hotel site is, therefore, located within a group of buildings of domestic and larger proportions and within this wider landscape character, the appeal site is located within the enclosed grounds of the hotel.
- 3.10. In terms of intervisibility, an existing tall hedge and adjacent 2-storey building effectively screen views of the appeal site from the west, as illustrated by **Image 3**.
- 3.11. Similarly, **Image 4** demonstrates how a line of tall trees and vegetation screen the appeal proposal from views from the south. Image 4 was taken in March 2025 and, therefore, it is expected that the vegetation will fully screen the appeal proposal from view during the months it is operational (i.e. April to October). Views of the appeal site from the south will be dominated by the existing tree line and 2-storey accommodation block located adjacent to the appeal site. Accordingly, if the appeal proposal is seen from the south, it will be seen through a treeline and alongside a visually dominant 2-storey building.



Image 3



Appeal Proposal Behind Hedge

Image 4



- 3.12. From the east, the appeal proposal is not visible from public vantage points on Trapp Lane, with existing mature vegetation screening it from view. Indeed, as illustrated by **Image 5**, the proposal is only visually apparent from within the grounds of the hotel and then only from a vantage point within no more than 80m, which is likely to reduce as vegetation grows over spring and summer months.



**Image 5****Appeal Proposal**

- 3.13. From the north, the appeal proposal is visible when seen from the raised terrace running adjacent to the hotel frontage. As **Image 6** demonstrates, it is also visible from the raised car park to the west of the main hotel building, and partially visible from the cluster of dwellings located to the north west of the hotel site. However, when it is visible, the appeal proposal is seen alongside the adjacent 2-storey building, a timber enclosure accommodating an LPG gas tank and the hotel car park. In this context, Image 6 demonstrates that the appeal proposal will be visually subordinate.

**Image 6**

- 3.14. The photographic evidence demonstrates that the appeal proposal is not a prominent feature in its landscape setting. On the contrary, the evidence conclusively demonstrates that the appeal proposal will not be visible from outside its immediate setting. Further,

when it is seen, it is seen alongside mature vegetation, a 2-storey building of domestic proportions and other existing buildings and structures.

- 3.15. The evidence, therefore, demonstrates that the impact of the proposal upon the landscape character and visual amenity will be negligible. No harm will occur. Accordingly, there is no conflict with the requirements of Policy DMG1 and certainly no conflict of sufficient magnitude to warrant a refusal of planning permission.
  - 3.16. Notwithstanding the above, the Council's grounds of resistance appear to be predicated upon the '*domestic*' appearance, which the Council considers to constitute '*poor quality*' in terms of design and the use of materials.
  - 3.17. In response, a key element of the proposed development is its temporary nature. It has, therefore, been designed to be easily erected and dismantled and transportable by hand, with the use of readily available components ensuring that repairs can easily be undertaken and replacement parts obtained should any components become damaged. The design and use of materials is, therefore, dictated by the temporary nature of the proposal.
  - 3.18. It is, nevertheless, unclear why the '*domestic*' design and use of materials is so objectionable to the Council. The open countryside in this location encompasses multiple residential dwellings, to include those that are located in close proximity to the appeal site. Despite being within the open countryside, there is no Article 4 direction that removes Permitted Development rights to prohibit residents from erecting domestic buildings. The presence of domestic buildings in the open countryside cannot, therefore, be a significant concern in principle.
  - 3.19. The Permitted Development rights have also not been removed from the hotel. The Appellant may, therefore, lawfully erect boundary treatments anywhere within the appeal site or wider hotel grounds that accord with the '*minor operations*' allowed at Part 2 of Schedule 2 of the General Permitted Development Order. This would allow the erection of the enclosures to each hot tub facility without the need for any planning approvals. The Council's concerns expressed with regard to the domestic design and use of materials in this regard are irrelevant.
  - 3.20. Planning law, therefore, dictates that no weight may, therefore, be ascribed to the Council's claim that the design and use of materials employed by the appeal proposal '*are not appropriate in this open countryside location*'. On the contrary, in the absence of any prohibition, such matters are entirely appropriate in this location.
  - 3.21. Further, there are examples of other domestic buildings and structures in the local area. The hotel grounds accommodate a pergola and a gas tank enclosure, and nearby properties have garden sheds and other such structures. It is unclear on what grounds the Council contends that structures of domestic design and appearance within the appeal site unacceptably conflict with the local character whereas the same structures outside the appeal site do not cause conflict.
  - 3.22. In addition, the appeal site is located adjacent to a 2-storey hotel accommodation block, which has a scale, mass and design that reflects a residential dwelling. In visual terms, when it is seen, the appeal proposal will appear as outbuildings within the grounds of a dwellinghouse. This is not a discordant feature in the landscape.
  - 3.23. The Appellant, therefore, contends that the design and use of materials are appropriate to the temporary nature of the proposed use and do not result in unacceptable impacts upon the character of the area. Moreover, any impacts that may occur are limited in scope and magnitude, with the appeal site not being visible from outside its immediate environment. The design and use of materials does not result in unacceptable harm to the character of the area.
  - 3.24. Further notwithstanding the above, the Officer Report claims that the temporary nature of
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the proposal is unacceptable because *'if removed for short periods the impact this would have on the landscape setting in terms of restoration would not be acceptable'*.

Accordingly, the Council appears to claim that the removal of the appeal proposal at the end of each season would require restoration to the site that would cause unacceptable harm the open countryside.

- 3.25. At worst, the appeal proposal has the potential to kill an area of lawn that will accommodate the appeal proposal. Accordingly, restoration may, at the very worst, require new turf to be laid. It is perverse for the Council to claim that the restoration of the appeal site to its existing state would harm the character of the open countryside and to ascribe this negative weight in the balance of considerations that should have been performed. Indeed, the Applicant contends that the suggestion that the restoration of a small area of the hotel lawn would result in an unacceptable impact on the character of the surrounding area is Wednesbury unreasonable, in being so unreasonable that no reasonable person acting reasonably could have made it (*Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948) 1 KB 223*).
- 3.26. The Appellant has comprehensively demonstrated that the appeal proposal will have not have an unacceptable impact upon the open countryside landscape or visual amenity either in principle, as a result of its domestic design and use of materials, or through the restoration of the appeal site when the appeal proposal has been removed at the end of the season. It has been demonstrated that any harm to the open countryside is, at worst, negligible and, on a reasonable assessment, is absent. There is, therefore, no reasonable justification to refuse planning permission in this regard.

#### Amenity Considerations

- 3.27. Policy DMG1 sets out a number of amenity considerations to be taken not account when assessing development proposals. However, none of these considerations specifically have regard to visual amenity, which is the concern expressed in the Officer Report, and the officer Report confirms that *'the impact on residential impact would therefore be negligible'*. As a result, there does not appear to be a conflict with the amenity considerations set out in the policy.
- 3.28. The Council's amenity concerns, therefore, appear to relate back to the design considerations that relate to visual amenity. Visual amenity impacts have been thoroughly assessed above with regard to design considerations.

#### Material Considerations

- 3.29. The Appellant's neighbour applied for planning permission (ref: 3/2023/0682) for a timber stable block, with a 177.5m<sup>2</sup> footprint and 5.15m ridge height, on land approximately 55m to the north west of the appeal site within the neighbouring equestrian complex. Planning permission was, however, refused on 1 February 2024 for the following single reason:

*'The proposal, as a result of its siting, scale and bulk, and the accumulation of built form, would lead to inappropriate development in the open countryside, which would be injurious to the openness of the area and of detriment to the visual appearance and inherent character of the site and surrounding countryside without sufficient justification. This is contrary to Policies DMG2, DMG1 and EN2 of the Ribble Valley Core Strategy 2008 – 2028.'*

- 3.30. The neighbour challenged this refusal on appeal, When determining tis appeal, the Inspector identified the main issue as being *'the effect of the proposal on the character and appearance of the area'* and, in assessing this matter, the Inspector made the following observations:

7. *The stable block, particularly when viewed from the south is seen as part of the complex of buildings including those at the Equestrian Centre, nearby hotel and dwellings. The scale of the building is smaller and lower than those around it and it*

*does not appear as an isolated building in the countryside. Whilst there has been an incremental increase in the buildings on the site a building such as the stable block is not excessive in terms of its height and scale and in addition it is seen within the existing built form.*

8. *Due to its proximity to built development, as well as hardstandings and other paraphernalia relating to the equestrian use at the site, the stable is not perceived as having a harmful effect in terms of encroachment into the open countryside, that surrounds these buildings. In addition, when viewed from surrounding areas the position of the existing buildings limits the perception of a visual gap allowing the additional building to be viewed in the context of those around it.*
- 3.31. Overall, the Inspector concluded that the stable block did not harm the character and appearance of the area and did not conflict with Core Strategy Policies DMG1, DMG 2 or EN2. Copies of the Site Location Plan, Proposed Elevations and Officer Report for application 3/2023/0682 are enclosed at **Appendix 3** with the Appeal Decision at **Appendix 4**.
- 3.32. The Inspector's conclusions are of significant weight to the determination of this appeal. As illustrated by **Image 7**, below, the stable block is located just 55m to the north west of the appeal site. It is also a matter of fact that the stable block is of significantly greater scale, mass and height when compared to the appeal proposal, and that it comprises a permanent structure, not a temporary feature like the appeal proposal. In addition, whilst located within a group of buildings, the stable block represents a more visually apparent feature in the local landscape setting, with an open aspect to the south, when compared to the appeal proposal, which is fully enclosed by existing vegetation and buildings.

**Image 7**



Stable Block

Appeal Proposal

- 3.33. Following the approach that the Inspector employed to assess the stable proposal, the same conclusions can be drawn with regard to this appeal, namely:
- ) The proposed hot tub facilities are seen as part of the complex of buildings including those at the hotel, nearby equestrian centre and dwellings;
  - ) The scale of the hot tub facilities is smaller and lower than the buildings around them and they do not appear as isolated buildings in the countryside;
  - ) The hot tub facilities are not excessive in terms of height and scale and, in addition, it is seen within the existing built form;
  - ) Due to its proximity to built development, as well as hardstanding, car parking and other paraphernalia relating to the hotel use at the site, the hot tub facilities are not perceived as having a harmful effect in terms of encroachment into the open countryside; and
  - ) When viewed from surrounding areas, the position of the existing buildings does not create a visual gap where the appeal proposal is located, allowing the hot tub facilities to be viewed in the context of those around it.
- 3.34. It must be the case that the propose hot tub facilities will have a lower impact upon the open countryside and character of the local landscape setting when compared to the neighbouring stable building. Accordingly, as the Planning Inspector found the stable building to comply with Policy DMG1 (and others), it must be the case that the appeal proposal also complies with that policy.

### **Policy DMG2**

- 3.35. Policy DMG2 presents a number of strategic considerations to be taken into account when assessing development proposals to achieve the Core Strategy development strategy and support the spatial vision.
- 3.36. As a matter of principle, it is highly unlikely that the appeal proposal for a temporary hot tub facility within the grounds of a countryside hotel has the potential to undermine the development strategy or spatial vision of the Development Plan.
- 3.37. Whilst it is recognised that a strategic objective is to ensure that new development respects the character of the landscape, it has been demonstrated above that the appeal proposal is compliant with Policy DMG1. It is, therefore, appropriate to its landscape setting and, accordingly, does not conflict with this strategic objective. Compliance with Policy DMG1 confirms that there is no breach of Policy DMG2.
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## 4. Other Material Considerations

- 4.1. In accordance with planning law, it is necessary to have regard to any other material considerations that may be of weight to the decision-taking process. The Appellant contends that material weight can be attached to the considerations set out below, to include a number of Development Plan policies that are directly applicable to the appeal proposal and with which compliance is not disputed.

### **NPPF**

- 4.2. The reason for refusal does not allege any conflict with the NPPF. The appeal proposal must, therefore, be considered by the Council to be acceptable with regard to the guidance set out in the Framework, to include the need to achieve sustainable development and well-designed places and to conserve the natural environment.

### **Core Strategy Policy DMB1**

- 4.3. Policy DMB1 supports business growth and the local economy. The policy confirms that the expansion of existing businesses outside settlement boundaries (i.e. in the open countryside) is acceptable if it maintains employment and *'can be assimilated within the local landscape'*.
- 4.4. The appeal proposal seeks to provide an additional attraction to help increase occupancy rates in between times of higher demand, whereby short breaks including use of the hot tub facility can be offered on a select basis. It will, therefore, contribute towards maintaining the employment function of the hotel.
- 4.5. The absence of any claimed breach of Policy DMB1 implies that the proposed hot tub facilities *'can be assimilated within the local landscape'*. This policy compliance directly undermines the reason for refusal.

### **Core Strategy Policy DMB3**

- 4.6. The Officer Report acknowledges that Policy DMB3 is engaged by the appeal proposal. Despite this, no reference is made to its requirements and no weight appears to be attached to it by the Council as part of the balance of considerations.
- 4.7. Policy DMB3 specifically relates to recreation and tourism development and, therefore, is directly engaged by the proposal. The policy supports development provided that it satisfies a number of criteria, to include a requirement not to undermine *'the character, quality or visual amenities of the Plan area by virtue of its scale, siting, materials or design'*.
- 4.8. Despite this policy being directly applicable to the appeal proposal and of primary weight to the decision-taking process, it is unclear whether any weight has been attached to it by the Council.
- 4.9. As a result, the Council has adopted a contradictory stance - the appeal proposal does not conflict with Policy DMB3 in terms of impacts on the character of the area and visual amenity, but it is alleged to conflict with Policies DMG1 and DMG2 as a result of its impact on the character of the area and visual amenity. This situation is irrational.

### **Core Strategy Policies DME 1 and 2**

- 4.10. Under the sub-heading Trees and Ecology, the Officer Report expresses opposition to the appeal proposal as a result of *'tree resentment issues that may arise'*.
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- 4.11. Furthermore, the Report states that the '*long term survivability*' of trees near the appeal proposal '*may still be compromised by the increasing levels of ground compaction/ anaerobic soil conditions. Therefore crown dieback/retrenchment as a result of the impact of pedestrian footfall from use of the hot tubs and potential use of mechanical equipment/machinery in order to carry out their servicing and their proposed seasonal removal and reconstruction is a concern*'. The report also states that the surrounding trees will suffer a '*long term impact on tree vigour*'.
  - 4.12. The Appellant contends that the above comments should be treated with a significant degree of caution.
  - 4.13. There is no evidence of any advice being sought from the Council's Tree Officer. Indeed, with regard to the consultation exercise undertaken, the Officer Report states '*none necessary*'. The above comments, therefore, appear to be the subjective opinion of the case officer and, in the absence of any suitable qualifications being confirmed, must be considered to be conjecture.
  - 4.14. If the Council held concerns with regard to the impact of the appeal proposal up trees, it would have been reasonable for it to consult with the Tree Officer. However, it chose not to consult and, instead, the officer decided to attach significant adverse weight to technical conclusions that it had no right to draw, which is Wednesbury unreasonable.
  - 4.15. Moreover, notwithstanding the irrationality of the suggestion that the footfall from users of the hot tubs will represent an unacceptable threat to the future health of the trees, the officer has ignored key elements of the proposal to draw the above presumptions. The Appellant is well aware of the need to protect the existing trees, hence the location of the appeal proposal outside the root protection area of the nearby trees and the hand digging of the trench for the electrical supply that has been undertaken. The design of the appeal proposal also seeks to utilise portable components, removing the need for any '*mechanical equipment/machinery*' when dismantling and re-erecting the facilities. The Appellant has, therefore, taken appropriate action to ensure that the concerns raised by the Council will not occur. These steps have evidently been ignored.
  - 4.16. In addition, the use of the hot tubs will be managed, with staff removing leaf litter on a frequent basis as part of the general cleaning duties associated with the use of the hot tubs. '*Tree resentment*' issues arising from members of staff are highly unlikely.
  - 4.17. It is also the case that the Appellant has actively managed the existing vegetation to create a high quality environment that is enclosed by the vegetation to create a high quality, enclosed, tranquil setting. The lawn area is frequently used to hold wedding ceremonies, for example. It would, therefore, be highly detrimental to the Appellant's business to damage, destroy, heavily prune or fell any existing trees within the site in a manner that would harm the setting or sense of enclosure. Indeed, a full time gardener and a full time maintenance manager are employed by the hotel to ensure that the grounds are kept in optimum condition.
  - 4.18. The grounds of opposition raised by the Council in this regard are wholly misplaced and founded on unqualified conjecture.
  - 4.19. However, of most significant concern are the concluding remarks under this sub-heading, which state '*on balance, however, the refusal of the planning application solely on tree grounds would not be justified*'. This statement is alarming on the basis that:
    - a) The officer considered that its unqualified, unevidenced and subjective opinion could be sufficient in itself to refuse planning permission; and
    - b) Planning permission was subsequently refused on grounds of visual impact and conflict with the countryside character. This implies that the Council forgot to also refuse consent on tree grounds, as it would not have been the sole reason for refusal; or
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- c) Tree grounds were not of sufficient weight to justify a refusal of planning permission whatsoever, yet adverse weight has evidently been attached to such matters as part of the decision-taking process.
- 4.20. The Appellant contends that the balance of considerations and decision-taking process performed by the Council is fundamentally flawed. Indeed, it is Wednesbury unreasonable.
- 4.21. It is a matter of fact that the Council has no reliable evidence to confirm that the appeal proposal will unacceptably harm any existing trees. It is also a matter of fact that the reason for refusal does not allege any conflict with Core Strategy Policies DME1 or DME2. It has also been demonstrated that the Appellant has adopted an appropriate and responsible approach towards tree protection, and there is no conflict with the requirements of these policies.

### **Core Strategy Policy EN2**

- 4.22. The Officer Report acknowledges that Policy EN2 is engaged by the appeal proposal, yet no reference is made to its requirements. This is despite the fact that the policy is a strategic policy that seeks to protect the landscape character from inappropriate development.
- 4.23. This create a further contradictory policy approach in the Council's case: the appeal proposal does not conflict with Policy EN2 (or Policy DMB3) in terms of impacts on the character of the area and visual amenity, but it is alleged to conflict with Policies DMG1 and DMG2 as a result of its impact on the character of the area and visual amenity. This situation is perverse.
- 4.24. Nevertheless, the Appellant has been demonstrated in Section 3 that the appeal proposal will not undermine the character, quality or visual amenities of the Plan area by virtue of its scale, siting, materials or design. The requirements of Policy EN2 (and other applicable policy requirements in this regard) are satisfied in full.

### **Permitted Development Rights**

- 4.25. Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, sets out what types of development may be undertaken without the need for planning permission. In accordance with these Permitted Development rights, the Appellant may deliver the following elements of the appeal proposal without any need for planning approval:
- ) Erection of a fence up to 2m in height to enclose each hot tub facility. The fence enclosure may be constructed from any materials and to any design;
  - ) Lay artificial grass within the fenced enclosure;
  - ) Position a hot tub within the fenced enclosure for use by guests, as confirmed by the Council's approach towards similar proposals to provide hot tubs associated with tourist accommodation elsewhere in the Borough (i.e. it has not required planning approval);
  - ) Place garden furniture within the fenced enclosure.
- 4.26. Therefore, the Appellant may construct major elements of the appeal proposal without the need for any planning permissions. This is a material consideration of significant weight.
- 4.27. Permitted Development rights also create a fall-back position, whereby the Appellant can deliver hot tub facilities within the appeal site that are of a similar scale and appearance to the appeal proposal without the need for planning approval. Given the availability of the required materials and equipment necessary to deliver such an alternative scheme, this Permitted Development fall-back position is highly likely to be implemented and, therefore, it is of significant material weight to the determination of this appeal.
-

## 5. Conclusions/Grounds of Appeal

- 5.1. The Appellant seeks planning consent to erect two temporary hot tub facilities within the landscaped grounds of Higher Trapp Hotel near Simonstone, which will comprise a timber decked platform accommodating a changing room cabin and a hot tub, together with an area of artificial grass accommodating seating/loungers, enclosed by a timber fence. The two facilities will be located side-by-side and are intended to be in place/used between April and October each year, being removed from the site and placed in storage during at the end of each season.
  - 5.2. The Council has refused consent due to proposals being perceived to have a detrimental impact upon the open countryside setting as a result of their design and use of materials.
  - 5.3. The Appellant has robustly demonstrated that the appeal proposal is not located within an area that is characterised by an open countryside landscape. Evidence demonstrates that the appeal site is enclosed by existing vegetation, other buildings and structures meaning that it is not visible outside its immediate environment.
  - 5.4. The Appellant has also demonstrated that, when visible, the appeal proposal will be seen as part of a group of buildings that include the hotel, nearby equestrian centre and dwellings. The scale of the hot tub facilities is modest, they will be smaller and lower than the buildings around them, and they will not appear as isolated buildings in the countryside. The proposal will not, therefore, be visually perceived to comprise encroachment into the open countryside.
  - 5.5. It has also been demonstrated that the design and use of materials is not inappropriate or alien to the open countryside, with Permitted Development rights offering a fall-back position whereby significant elements of the appeal proposal could be erected and a guest hot tub facility operated on the appeal site without the need for planning permission.
  - 5.6. Furthermore, it is evident that key elements of the Council's grounds to resist the appeal proposal are based on an unreasonable approach and assessment of the appeal proposal. Indeed, the Council has relied upon matters of conjecture, failed to secure expert consultee advice and promoted grounds of resistance that are unable to carry the adverse weight attached to them. It has also failed to learn from a recent neighbouring appeal that engaged with identical policy considerations, which was allowed by the Planning Inspectorate.
  - 5.7. Significantly, the Council has also failed to assess the appeal proposal against all of the Development Plan policies that it engages with. As a result, the perceived policy justification set out in the reason for refusal is inconsistent and contradictory with the Development Plan as a whole.
  - 5.8. The Appellant has demonstrated that the single reason for refusing consent is not based on reasonable planning judgement. When assessed on a reasonable basis, it has been demonstrated that the appeal proposal satisfies the requirements of all of the relevant Core strategy policies and, therefore, planning permission should have been approved. Accordingly, it is respectfully requested that this Appeal be allowed.
-

# Appendix 1

| Report to be read in conjunction with the Decision Notice. |                 |           |              |                   |                 |           |              |                 |
|------------------------------------------------------------|-----------------|-----------|--------------|-------------------|-----------------|-----------|--------------|-----------------|
| <b>Signed:</b>                                             | <b>Officer:</b> | <b>KH</b> | <b>Date:</b> | <b>22/11/2024</b> | <b>Manager:</b> | <b>LH</b> | <b>Date:</b> | <b>22/11/24</b> |

|                                    |             |                                                                                                                                                                                                 |
|------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Ref:</b>            | 3/2024/0642 |  <b>Ribble Valley Borough Council</b><br><a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a> |
| <b>Date Inspected:</b>             | 21/08/24    |                                                                                                                                                                                                 |
| <b>Site Notice Exp.</b>            | 11/09/24    |                                                                                                                                                                                                 |
| <b>Officer:</b>                    | KH          |                                                                                                                                                                                                 |
| <b>DELEGATED ITEM FILE REPORT:</b> |             | <b>REFUSAL</b>                                                                                                                                                                                  |

|                                 |                                                                                                                         |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <b>Development Description:</b> | <b>Retention of two authorised sheds with decking and fencing containing hot tubs in garden area to front of hotel.</b> |
| <b>Site Address/Location:</b>   | <b>Higher Trapp Hotel Trapp Lane Simonstone BB12 7QW</b>                                                                |

|                       |                            |
|-----------------------|----------------------------|
| <b>CONSULTATIONS:</b> | <b>Parish/Town Council</b> |
| None received.        |                            |

|                       |                                              |
|-----------------------|----------------------------------------------|
| <b>CONSULTATIONS:</b> | <b>Highways/Water Authority/Other Bodies</b> |
| None necessary.       |                                              |

|                |  |
|----------------|--|
| <b>Public:</b> |  |
|----------------|--|

One response received objecting on the following grounds:

- ) Are the sheds in the same area of the other side of the hotel. We are having noise issues and are concerned this may be contributing.

3/2023/0113 – Change of use of woodland to provide additional leisure offer involving siting of three hot tubs on raised decking together with new footpaths and foot bridge – Refused.

3/2012/0342 – Demolition of existing service buildings and erection of two storey extension of twenty one bedrooms and covered service yard (579.77sq.m.) – Approved.

3/2010/0658 – Application for the removal of condition no. 2 (Travel Plan Framework) of planning consent 3/2008/0844P – Withdrawn.

3/2008/0844 – Demolition of existing service buildings and erection of two storey extension of 21no. bedrooms and covered service yard (579.77sq.m.) (Resubmission) – Approved.

3/2008/0156 – Demolition of existing service buildings and erection of two storey extension of twenty one bedrooms and covered service yard – Refused.

3/2006/0246 – Demolition of existing conservatory and replacement with new single storey extension – Approved.

|                                     |
|-------------------------------------|
| <b>RELEVANT POLICIES:</b>           |
| <b>Ribble Valley Core Strategy:</b> |

Key Statement DS1 – Development Strategy  
Key Statement DS2 – Sustainable Development  
Key Statement EN2 – Landscape  
Key Statement EN4 – Biodiversity and Geodiversity  
Key Statement EC3 – Visitor Economy  
Key Statement DMI2 – Transport Considerations  
Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport and Mobility  
Policy DME1 – Protecting Trees and Woodlands  
Policy DME3 – Site and Species Protection and Conservation  
Policy DME6 – Water Management  
Policy DMB3 – Recreation and Tourism Development

### **National Planning Policy Framework**

#### **ASSESSMENT OF PROPOSED DEVELOPMENT:**

##### **Proposed Development for which consent is sought:**

The site area is located within Open Countryside with an existing vehicle access off Trapp Lane. The Hotel and annexe with associated car park are adjacent to the site boundary.

The application site is part of the hotel grounds which is covered by Tree Preservation Order 1994, Higher Trapp, Simonstone.

This application seeks permission to retain two timber sheds and associated hot tubs, decking and fencing.

Infrastructure will require electricity connections and water with hose pipe to fill and pump to the hotel's septic tank.

It is understood that the hot tubs will be used by hotel guests on a pre-booked basis only for 45-minute sessions between 12 noon and 7pm and not when a wedding is being hosted. It is proposed that the use would be on a temporary basis from April to September each year.

##### **Principle of Development:**

The principle of tourism on this site has long since been established with the hotel use commencing around the 19060's.

No additional parking is proposed for this scheme and the proposals would amount to small-scale development to be used in association with the wider site. Therefore the principle of the development in an Open Countryside location is supported.

##### **Effects Upon the Landscape/Visual Amenity:**

Any development should be of a high standard of design and in keeping with the character of the open countryside location.

There are limited public views into the site from the highway which lies to the east of the site which is well screened by mature trees. There are no public footpaths within close proximity of the site. The structures comprise a cabin for changing, the hot tub and a seated area with artificial grass over a

weed suppressant material. The tubs have an electrical feed and water is supplied by hose pipe with wastewater pumped to the septic tank

In terms of the design the changing rooms and decking are timber and comprise of a timber enclosed shed and a timber open shed measuring 4.9m x 1.8m x 2.4m high with a decked walkway measuring 1.2m x 4.9m x 0.2m and timber balustrade accessed by timber step to accommodate the changes in levels. The enclosed shed has double doors and a window to the frontage.

Each shed sits on a timber deck on eighteen foundation posts fixed in shallow footings. It is proposed to dig the footings at the start of the season and remove, fill in and turf overs at the end of the season. The agent states that these would be constructed and made available for seven months of the year and then dismantled and transported away and stored off-site when not required. However, if the sheds were considered to be acceptable and not resulting in any harm then their presence would be accepted all year round and their removal would not be required as part of any planning permission. Alternatively, where there is harm then the proposal to remove them at the end of each season will need to be looked at to see if this would remove or mitigate the harm.

The provision of timber shed structures and garden fencing together with artificial grassed seating areas is considered to constitute poor-quality design and their domestic appearance at odds with the wider leisure complex would not be appropriate development in this Open Countryside setting.

Due to their design and materials the structures and “garden” areas are not appropriate in this open countryside location. Moreover, the artificial grass and domestic fencing which encloses these structures and amenity space further domesticate this area of land. Whilst removing them in their entirety from 1<sup>st</sup> Oct – 31<sup>st</sup> March would mitigate some of this impact, when in situ the impact is considered unacceptable. Moreover if removed for short periods the impact this would have on the landscape in terms of restoration would not be acceptable. Mitigation is possible in terms of lighting and this can be controlled by attaching an appropriate condition the use of the site would not be an appropriate one for this location.

The impact on landscape and visual amenity in terms of impact on the character of the area is not acceptable and contrary to policies DMG1 and DMG2.

#### **Impact on the Residential Amenity:**

The nearest properties are Hill House, Trapp Forge, Wickentrees, 1 to 7 Whinns Lane, Lower Trapp Farmhouse and Cottage, 1 to 7 Wicken Tree Row, Whinns Cottage, Twin Oaks and Tythe Barn House all sited to the south/south east. White Hill Stud Lies immediately adjacent to the east of the site.

The nearest residential property is Hill House located approximately 70m to the east of the site, 105m from the north west corner of the building. The other residential properties are located further south of this with commercial structures in between.

There have been concerns expressed regarding levels of noise from activities associated with the hot tubs.

Whilst it is considered that this type of outside activity could result in some impact on nearby residential properties in terms of coming and goings, loud talking/shouting between groups and potential playing of music; as this area of the site is already used by the hotel for functions and outside activities it is considered that the amount of additional activity would be unlikely to result in such a cumulative impact as to warrant a refusal on these grounds particularly when taking the distances involved and intervening land into consideration.



It would be difficult to try and restrict music and food and drink within the site and whilst this could lead to increased noise within this area of the site closest to nearby neighbours to the east, these are over 70m away, and this, together with the existing use of the lawned gardens for weddings and events would not, lead to an unacceptable cumulative impact in terms of noise.

The impact on residential impact would therefore be negligible.

### **Trees and Ecology:**

As the site is covered by a Tree Preservation Order and the works involve the construction of sheds with raised structures within the site an Arboricultural Impact Assessment was requested. Subsequently an Arboricultural Statement and Plan have been submitted as part of this application.

The Arboricultural Statement and survey of the trees is in accordance with BS 58387:2012 on the site. The statement states that the location of the hot tubs has no implications for the trees, either directly or indirectly.

There is a row of Hornbeam trees [*Carpinus betulus*] within influencing distance and therefore the RPAs have been compromised, this includes ground compaction and potential root loss. In addition, a service trench for power running north from the tubs appears to have been dug through the RPA of a birch tree.

The submitted arboricultural impact report sets out the potential harm to the long-term stability and survivability of the protected trees.

There are two groups and three individual trees identified. Group 1 is multi stemmed hornbeam with low quality 5m from the seating area, whilst the Hornbeam Hedge is of moderate quality and value in the landscape sited 1.7m from the hot tubs.

An Sorbus and Holly both category C lie 5.7m and 7.2m from the hot tubs whilst a Birch tree (Category B) is 14m from the tubs but the cable for the electricity connection has been hand dug 2m from the trunk.

As the hot tubs have been positioned just outside the RPA [Root Protection Area BS5837] of the adjacent trees initially there is no direct threat from excessive pruning or removal of any trees, however, it is likely that tree resentment issues may arise i.e. leaf litter. In addition even though the post holes for the picket fence and service trench were dug by hand to reduce impact of development hitherto carried out on the trees Rhizosphere the long term survivability and the retention part of the hornbeam tree group G1 may still be compromised by the increasing levels of ground compaction/anaerobic soil conditions. Therefore crown dieback/retranchment as a result of the impact of pedestrian foot fall from use of the tubs and potential use of mechanical equipment/machinery in order to carry out their servicing and their proposed seasonal removal and reconstruction is a concern.

Whilst the hot tubs may have a satisfactory relationship with surrounding arboreal features namely the hornbeam hedge, there is likely to be some long-term impact on tree vigour to a lesser or greater extent due to the aforementioned reasons.

This application does raise concerns with construction methods, use and activities once completed and ongoing impact on trees from the proposed removal and re-erection of the sheds.

On balance, however, the refusal of the planning application solely on tree grounds would not be justified.

**Other Matters:**

The agent has made the case that this proposal is necessary in order to provide an additional attraction to help increase occupancy rates in between times of higher demand by offering short breaks using the hot tub facility as an added incentive to short term breaks.

However, no details of public or economic benefit have provided that would outweigh the harm of the development on visual amenity grounds or justify the poor design of the scheme.

**Conclusion:**

The additional and increased use would not result in an unacceptable impact on the protected woodland and its associated habitat or on the amenity of nearby neighbours.

However the poor-quality design and its domestic appearance with timber shed structures and garden fencing together with artificial grassed seating areas would not be appropriate development in this Open Countryside setting.

Taking into account the above, the proposal would be contrary to policies DMG1 and DMG2 of the Ribble Valley Core Strategy 2008 - 2028.

**RECOMMENDATION:**

That planning consent be refused for the following reasons:

1. The development, as constructed, is poor in terms of design and does not relate well to the existing hotel building, by virtue of the materials used and domestic type of construction. The development fails to be sympathetic to its surroundings and results in a detrimental visual impact on this open countryside setting, contrary to policies DMG1 and DMG2 of the Ribble Valley Core Strategy 2008 - 2028.

## Appendix 2



Ribble Valley  
Borough Council  
[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

**Ribble Valley  
Borough Council**

# **Core Strategy 2008 – 2028 A Local Plan for Ribble Valley Adoption Version**



### 3 SETTING A VISION FOR THE AREA

- 3.1** A key function of the Core Strategy is to express a vision for Ribble Valley based on what people tell us through consultation they consider to be important for the area and to them. Our understanding of the area is consequently developed from this work and by exploring the evidence base.
- 3.2** The vision should reflect that of the Sustainable Community Strategy (SCS) as it will ultimately drive the development strategy and deliver the future shape of the area; the vision. The community should share the vision and it is important that people contribute to creating it. To date, work has been aligned with the preparation of the SCS and previous consultation stages of the Local Development Framework.
- 3.3** To repeat, the Core Strategy vision is clearly related to the Sustainable Community Strategy, as it is important to ensure that, as the spatial interpretation of the Sustainable Community Strategy (SCS), the Core Strategy incorporates the vision for the SCS. The agreed SCS vision is to attain:-

*“An area with an exceptional environment and quality of life for all, sustained by vital and vibrant market towns and villages acting as thriving service centres, meeting the needs of residents, businesses and visitors”*

Consultation work on the SCS vision confirmed that this vision was justified and that the people in Ribble Valley are proud of their ‘uniqueness’ and that they value their heritage. The Core Strategy vision therefore mirrors the SCS vision with expansion of what this means in terms of spatial development.

## The Core Strategy Vision

- 3.4** The Ribble Valley will be an area with an exceptional environment and quality of life for all, sustained by vital and vibrant market towns and villages acting as thriving service centres, meeting the needs of residents, businesses and visitors.

**We will seek to create an area with unrivalled quality of place, respecting the unique natural, social and built heritage of the area.**

**New development to meet the needs of the area for growth, services and quality of life will be managed to ensure the special characteristics of the area are preserved for future generations.**



- 3.5** It is important to establish a vision that is ambitious. As an attractive area, with pressure for growth, managing the development that the area is likely to face will be a challenge if the attractive features people enjoy are to be protected, thereby preserving the very character of the area that makes the Ribble Valley the area that it is.
- 3.6** The vision sets out what the Council understands from its evidence gathering through research and enquiry with the community and what the community seeks. It has been informed through consultation and parallel work in developing and reviewing the Council's Community Strategy.
- 3.7** In essence by 2028, Ribble Valley would be an area that can still demonstrate an exceptional environment and quality of life for all. This would be supported by vital and vibrant market towns and villages acting as thriving service centres, meeting the needs of residents, businesses and visitors. This will require growth facilitated in a way that balances the need for development with the need to conserve the quality of the environment. The competitiveness and productivity of local businesses will be improved by safeguarding and promoting local employment opportunities and ultimately reducing the proportion of out-commuting. The economy will therefore have diversified by encouraging and supporting a broader range of business sectors.
- 3.8** Housing within the borough will continue to be high quality and choice will have been widened, with a proportion of affordable housing incorporated into the majority of developments. The supply of affordable and decent homes in the

borough will be matched with the identified housing need and there will be a suitable proportion of housing meeting local needs. Neighbourhoods in the Ribble Valley will be sought after locations by building cohesive communities, promoting community safety and considering access for all by ensuring that no group is prevented from accessing mainstream services and facilities. The housing market will have opened up for the younger population, which, combined with improved employment opportunities, will have resulted in a reduced proportion of the young generation leaving the borough to access cheaper and suitable housing and employment opportunities.

- 3.9** The physical, social, environmental and economic regeneration of Clitheroe, Longridge and Whalley will be supported together with existing retail businesses, whilst also ensuring a high quality retail offer in the key service centres and smaller village settlements. The physical, social, environmental and economic regeneration of Clitheroe, Longridge and Whalley will be supported together with existing retail businesses, whilst also ensuring a high quality retail offer in the key service centres and smaller village settlements, especially where this supports local employment opportunities. Improvements will have been made in accessibility to key services through pedestrian and non-motorised access to new development, ultimately increasing the demand for public transport. The most important environmental assets will have been protected and where development has taken place, this will contribute to local, regional and wider sustainable development and have considered sustainable construction principles with high-quality design principles at the heart of the new development. Design quality will continue to be a key consideration and the high standard set will have become the norm for all development. The biodiversity of the district will continue to be protected and enhanced with waste reduction, recycling and energy efficiency being promoted.

## Strategic Objectives

- 3.10** To help deliver the vision a number of Strategic Objectives will underpin the Council's approach, as set out below.
- 3.11** **Respect, protect and enhance the high quality environment and biodiversity in the borough.** A large proportion of the Ribble Valley falls within an Area of Outstanding Natural Beauty, it has two Local Nature Reserves, thirteen priority habitats and species, sixteen Sites of Special Scientific Interest (SSSI) and 293 Biological Heritage Sites. Protection, enhancement and conservation of these will form an important part of the Development Strategy. In addition the area has a rich built heritage with the significant elements having statutory protection as designated heritage assets. In addition there are non designated heritage assets and there may be nationally important but unidentified archaeological assets. Heritage assets are an irreplaceable resource and will be conserved in a manner appropriate to their significance.
- 3.12** **To increase the supply of affordable and decent homes in the borough to help meet identified needs.** Ribble Valley Borough Council has been undertaking Housing Needs Surveys in the borough since 2004. Initially these were focused on the main settlements of the borough where the population concentrations are greatest and then these were



undertaken on other settlements within the borough. As at February 2012, 90% of the borough had been assessed for housing need with a requirement for those initial surveys of 2004 to be redone. The Housing Needs Surveys are an invaluable resource in informing the Strategic Housing Market Assessment and the Strategic Housing Land Availability Assessment (SHLAA) alike, to ensure that demand is recognised and supply matches this in the locations identified. They are important for informing our land supply for the next 5 years, year 6-10 and where possible years 11-16.

- 3.13 Ensure a suitable proportion of housing meets local needs.** The information contained in the LDF evidence base assists in ensuring that this is made possible. The Strategic Housing Market Assessment (SHMA) is the most appropriate way of doing this as it incorporates information from the Housing Needs Surveys and combines this information with future population and household projections. Linking this information with the SHLAA in LDF policies assists in highlighting where the housing to meet local needs is required to be located.
- 3.14 Improve the competitiveness and productivity of local businesses by safeguarding and promoting local employment opportunities.** This is important to the Ribble Valley as it one of the major issues facing the borough. Although the Ribble Valley is seen as an attractive place to live, there are a limited number of employment opportunities available in the borough, which results in a high level of daily out commuting to access employment opportunities. Through improving the competitiveness and productivity of local businesses by safeguarding and promoting local employment opportunities, this trend should be reversed or at least lessened giving the borough a competitive employment market, which can compete with nearby boroughs such as Preston and Blackburn.
- 3.15 Ensure neighbourhoods are sought after locations by building cohesive communities and promoting community safety.** This will be delivered through development management policies ensuring high standards of design having regard to initiatives such as designing out crime, appropriate tenure mix, landscaping and location.
- 3.16 Support existing retail business whilst improving the retail offer by ensuring the vitality and viability of the retail areas are considered.** The issue of retail in the Ribble Valley is an important one and is closely linked with tourism and investment. The need to secure a high quality and diverse retail offer is important, as this will attract businesses and people alike. Measures to reduce the loss of resident's spend to nearby towns and cities for their shopping is vital to ensure the future of the market towns of the Ribble Valley.
- 3.17 Co-ordinate, innovate and diversify sustainable tourism, building on our strengths and developing new initiatives.** Tourism was identified at the Issues and Options stage of developing the Core Strategy following intensive consultation as an area that should be developed. In order to achieve successful tourism development however it is necessary that the reasons people visit the Valley in the first place is not destroyed. The outstanding natural beauty of the Ribble Valley attracts high numbers of visitors each year and tourism development in the future should be sympathetic to this. The

concept of sustainable tourism is one that allows development that will not prejudice the natural environment and reason for potential tourism in the first place.

- 3.18 Improve accessibility and service delivery to address rural isolation.** In a predominantly rural area like the Ribble Valley, this is an important issue that should be given high priority. The Settlement Audit assists in highlighting the services that can be found in certain locations and as a result indicates where there may be a short fall of services. Access to services, support for local employment and affordable housing will all contribute to sustainable villages.
- 3.19 Contribute to local, regional and wider sustainable development, including addressing and mitigating against the impacts of climate change.** The overall Development Strategy will incorporate these aims. Development should be located where opportunities to reduce the use of the car can be encouraged. This issue has been gaining in importance over the past few years and has even been linked to issues such as overcoming obesity through the design of and location of developments. Facilitating employment growth in the area and providing more affordable housing will be key themes in addressing sustainability in the borough. In addition, high quality services which meet the needs of the Borough's communities and support their health, social and cultural well-being will be protected and enhanced.

districts. Some minor changes will be considered where appropriate to rationalise the existing green belt boundaries in response to findings of the evidence base. This will be dealt with in detail through relevant development plan documents.

#### KEY STATEMENT EN2: LANDSCAPE

The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Any development will need to contribute to the conservation of the natural beauty of the area.

The landscape and character of those areas that contribute to the setting and character of the Forest of Bowland Areas of Outstanding Natural Beauty will be protected and conserved and wherever possible enhanced.

As a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.



### 5.3 WHY ARE WE TAKING THIS APPROACH?

Over 75% of the area is designated as an Area of Outstanding Natural Beauty and outside these statutory areas the borough comprises extensive areas of open countryside much of which has an intrinsic value that contributes to the quality of the landscape in the borough. In addition the founding principle of landscape character is that all landscapes have a value. The Council considers that it is important to ensure development proposals do not serve to undermine the inherent quality of the landscape. Particular regard, consistent with the designation as AONB, will be given to matters of design and impact with an expectation that the highest standards of design will be required. The Council will also seek to ensure that the open countryside is protected from inappropriate development. Developers should adopt a non-standardised approach to design which recognises and enhances local distinctiveness, landscape character, the quality of the built fabric, historic patterns and landscape tranquillity.

## ENVIRONMENT

### POLICY DME1: PROTECTING TREES AND WOODLANDS

- 10.7** THERE WILL BE A PRESUMPTION AGAINST THE CLEARANCE OF BROAD-LEAVED WOODLAND FOR DEVELOPMENT PROPOSES. THE COUNCIL WILL SEEK TO ENSURE THAT WOODLAND MANAGEMENT SAFE GUARDS THE STRUCTURAL INTEGRITY AND VISUAL AMENITY VALUE OF WOODLAND, ENHANCES BIODIVERSITY AND PROVIDES ENVIRONMENTAL HEALTH BENEFITS FOR THE RESIDENTS OF THE BOROUGH. THE COUNCIL ENCOURAGES SUCCESSIONAL TREE PLANTING TO ENSURE TREE COVER IS MAINTAINED INTO THE FUTURE.



WHERE APPLICATIONS ARE LIKELY TO HAVE A SUBSTANTIAL EFFECT ON TREE COVER, THE BOROUGH COUNCIL WILL REQUIRE DETAILED ARBORICULTURAL SURVEY INFORMATION AND TREE CONSTRAINT PLANS INCLUDING APPROPRIATE PLANS AND PARTICULARS. THESE WILL INCLUDE THE POSITION OF EVERY TREE ON SITE THAT COULD BE INFLUENCED BY THE PROPOSED DEVELOPMENT AND ANY TREE ON NEIGHBOURING LAND THAT IS ALSO LIKELY TO BE WITH IN INFLUENCING DISTANCE AND COULD ALSO INCLUDE OTHER RELEVANT INFORMATION SUCH AS STEM DIAMETER AND CROWN SPREAD.

THE BOROUGH COUNCIL WILL ENSURE THAT:

1. THE VISUAL, BOTANICAL AND HISTORICAL VALUE, TOGETHER WITH THE USEFUL AND SAFE LIFE EXPECTANCY OF TREE COVER, ARE IMPORTANT FACTORS IN DETERMINING PLANNING APPLICATIONS. THIS WILL INCLUDE AN ASSESSMENT OF THE IMPACT OF THE DENSITY OF DEVELOPMENT, LAY OUT OF ROADS, ACCESS POINTS AND SERVICES ON ANY AFFECTED TREES.
2. THAT A DETAILED TREE PROTECTION PLAN IS SUBMITTED WITH APPROPRIATE LEVELS OF DETAIL.
3. SITE-SPECIFIC TREE PROTECTION PLANNING CONDITIONS ARE ATTACHED TO PLANNING PERMISSIONS.

## **10.8 TREE PRESERVATION ORDERS**

THE BOROUGH COUNCIL WILL MAKE TREE PRESERVATION ORDERS WHERE IMPORTANT INDIVIDUAL TREES OR GROUPS OF TREES AND WOODLAND OF VISUAL, AND/OR BOTANICAL AND/OR HISTORICAL VALUE APPEARS TO BE UNDER THREAT. THE COUNCIL WILL EXPECT EVERY TREE WORK APPLICATION FOR WORK TO PROTECTED TREES TO BE IN ACCORDANCE WITH MODERN ARBORICULTURAL PRACTICES AND CURRENT BRITISH STANDARDS.

## **10.9 ANCIENT WOODLANDS**

DEVELOPMENT PROPOSALS THAT WOULD RESULT IN LOSS OR DAMAGE TO ANCIENT WOODLANDS WILL BE REFUSED UNLESS THE NEED FOR, AND THE BENEFITS OF, THE DEVELOPMENT IN THAT LOCATION OUTWEIGH THE LOSS OF THE WOODLAND HABITAT. IN ADDITION, IN CIRCUMSTANCES WHERE A DEVELOPMENT WOULD AFFECT AN ANCIENT WOODLAND, THE BOROUGH COUNCIL WILL SEEK TO INCLUDE APPROPRIATE WOODLAND PLANTING AND MANAGEMENT REGIMES THROUGH PLANNING CONDITIONS AND AGREEMENTS.

## **10.10 VETERAN AND ANCIENT TREES**

THE BOROUGH COUNCIL WILL TAKE MEASURES THROUGH APPROPRIATE PLANNING CONDITIONS, LEGISLATION AND MANAGEMENT REGIMES TO ENSURE THAT ANY TREE CLASSIFIED IDENTIFIED AS VETERAN/ANCIENT TREE IS AFFORDED SUFFICIENT LEVEL OF PROTECTION AND APPROPRIATE MANAGEMENT IN ORDER TO ENSURE ITS LONG TERM SURVIVABILITY.

## **10.11 HEDGEROWS**

THE BOROUGH COUNCIL WILL USE THE HEDGEROW REGULATIONS TO PROTECT HEDGEROWS CONSIDERED TO BE UNDER THREAT AND USE PLANNING CONDITIONS TO PROTECT AND ENHANCE HEDGEROWS THROUGH THE USE OF TRADITIONAL MANAGEMENT REGIMES AND PLANTING WITH APPROPRIATE HEDGEROW SPECIES MIX.



## 10.12 FELLING LICENCES

WHEN CONSULTED ON FELLING LICENCE APPLICATIONS, THE COUNCIL WILL ATTEMPT TO MINIMISE THE SHORT-TERM ADVERSE IMPACT ON THE LANDSCAPE AND ENSURE REPLANTING SCHEMES CONTAIN AN APPROPRIATE BALANCE OF SPECIES TO SAFEGUARD AND ENHANCE THE BIODIVERSITY AND LANDSCAPE VALUE OF WOODLAND.

The contribution that trees and woodlands make to the character of the area is recognised by the Council to be of significance. The Council in establishing this approach to their management and protection is seeking to conserve and enhance the quality of the local area whilst recognising the need for sustainable development to be achieved.

## POLICY DME2: LANDSCAPE AND TOWNSCAPE PROTECTION

**10.13** DEVELOPMENT PROPOSALS WILL BE REFUSED WHICH SIGNIFICANTLY HARM IMPORTANT LANDSCAPE OR LANDSCAPE FEATURES INCLUDING:

1. TRADITIONAL STONE WALLS.
2. PONDS.
3. CHARACTERISTIC HERB RICH MEADOWS AND PASTURES.
4. WOODLANDS.
5. COPSES.
6. HEDGEROWS AND INDIVIDUAL TREES (OTHER THAN IN EXCEPTIONAL CIRCUMSTANCES WHERE SATISFACTORY WORKS OF MITIGATION OR ENHANCEMENT WOULD BE ACHIEVED, INCLUDING REBUILDING, REPLANTING AND LANDSCAPE MANAGEMENT).
7. TOWNSCAPE ELEMENTS SUCH AS THE SCALE, FORM, AND MATERIALS THAT CONTRIBUTE TO THE CHARACTERISTIC TOWNSCAPES OF THE AREA.



8. UPLAND LANDSCAPES AND ASSOCIATED HABITATS SUCH AS BLANKET BOG.
9. BOTANICALLY RICH ROADSIDE VERGES (THAT ARE WORTHY OF PROTECTION).

The Council will seek, wherever possible, to enhance the local landscape in line with its key statements and development strategy. In applying this policy reference will be made to a variety of guidance including the Lancashire County Council Landscape Character Assessment, the AONB Landscape Character Assessment 2010 and the AONB Management Plan. Also the Council will take into account the potential cumulative impacts of development in areas where development has already taken place.

By proactively considering these important features through the development management process the Council will deliver the Core Strategy vision and support the delivery of sustainable development.

### **POLICY DME3: SITE AND SPECIES PROTECTION AND CONSERVATION**

**10.14** DEVELOPMENT PROPOSALS THAT ARE LIKELY TO ADVERSELY AFFECT THE FOLLOWING WILL NOT BE GRANTED PLANNING PERMISSION. EXCEPTIONS WILL ONLY BE MADE WHERE IT CAN CLEARLY BE DEMONSTRATED THAT THE BENEFITS OF A DEVELOPMENT AT A SITE OUTWEIGH BOTH THE LOCAL AND THE WIDER IMPACTS. PLANNING CONDITIONS OR AGREEMENTS WILL BE USED TO SECURE PROTECTION OR, IN THE CASE OF ANY EXCEPTIONAL DEVELOPMENT AS DEFINED ABOVE, TO MITIGATE ANY HARM, UNLESS ARRANGEMENTS CAN BE MADE THROUGH PLANNING CONDITIONS OR AGREEMENTS TO SECURE THEIR PROTECTION:



1. WILDLIFE SPECIES PROTECTED BY LAW
2. SSSI'S
3. PRIORITY HABITATS OR SPECIES IDENTIFIED IN THE LANCASHIRE BIODIVERSITY ACTION PLAN
4. LOCAL NATURE RESERVES
5. COUNTY BIOLOGICAL HERITAGE SITES



## **BUSINESS AND ECONOMY**

### **POLICY DMB1: SUPPORTING BUSINESS GROWTH AND THE LOCAL ECONOMY**

**10.23** PROPOSALS THAT ARE INTENDED TO SUPPORT BUSINESS GROWTH AND THE LOCAL ECONOMY WILL BE SUPPORTED IN PRINCIPLE. DEVELOPMENT PROPOSALS WILL BE DETERMINED IN ACCORD WITH THE CORE STRATEGY AND DETAILED POLICIES OF THE LDF AS APPROPRIATE.

THE BOROUGH COUNCIL MAY REQUEST THE SUBMISSION OF SUPPORTING INFORMATION FOR FARM DIVERSIFICATION WHERE APPROPRIATE.

THE EXPANSION OF EXISTING FIRMS WITHIN SETTLEMENTS WILL BE PERMITTED ON LAND WITHIN OR ADJACENT TO THEIR EXISTING SITES, PROVIDED NO SIGNIFICANT ENVIRONMENTAL PROBLEMS ARE CAUSED AND THE EXTENSION CONFORMS TO THE OTHER PLAN POLICIES OF THE LDF.

THE EXPANSION OF ESTABLISHED FIRMS ON LAND OUTSIDE SETTLEMENTS WILL BE ALLOWED PROVIDED IT IS ESSENTIAL TO MAINTAIN THE EXISTING SOURCE OF EMPLOYMENT AND CAN BE ASSIMILATED WITHIN THE LOCAL LANDSCAPE. THERE MAY BE OCCASIONS WHERE DUE TO THE SCALE OF THE PROPOSAL RELOCATION TO AN ALTERNATIVE SITE IS PREFERABLE.

PROPOSALS FOR THE DEVELOPMENT, REDEVELOPMENT OR CONVERSION OF SITES WITH EMPLOYMENT GENERATING POTENTIAL IN THE PLAN AREA FOR ALTERNATIVE USES WILL BE ASSESSED WITH REGARD TO THE FOLLOWING CRITERIA:

1. THE PROVISIONS OF POLICY DMG1, AND
2. THE COMPATIBILITY OF THE PROPOSAL WITH OTHER PLAN POLICIES OF THE LDF, AND
3. THE ENVIRONMENTAL BENEFITS TO BE GAINED BY THE COMMUNITY, AND
4. THE ECONOMIC AND SOCIAL IMPACT CAUSED BY LOSS OF EMPLOYMENT OPPORTUNITIES TO THE BOROUGH, AND

5. ANY ATTEMPTS THAT HAVE BEEN MADE TO SECURE AN ALTERNATIVE EMPLOYMENT GENERATING USE FOR THE SITE (MUST BE SUPPORTED BY EVIDENCE (SUCH AS PROPERTY AGENTS DETAILS INCLUDING PERIODS OF MARKETING AND RESPONSE) THAT THE PROPERTY/ BUSINESS HAS BEEN MARKETING FOR BUSINESS USE FOR A MINIMUM PERIOD OF SIX MONTHS OR INFORMATION THAT DEMONSTRATES TO THE COUNCIL'S SATISFACTION THAT THE CURRENT USE IS NOT VIABLE FOR EMPLOYMENT PURPOSES.)

The Council in accord with its vision and key statements wishes to create the right environment for business growth whilst ensuring development is sustainable.

## **POLICY DMB2: THE CONVERSION OF BARNs AND OTHER RURAL BUILDINGS FOR EMPLOYMENT USES**

**10.24** PLANNING PERMISSION WILL BE GRANTED FOR EMPLOYMENT GENERATING USES IN BARNs AND OTHER RURAL BUILDINGS, PROVIDED ALL OF THE FOLLOWING CRITERIA ARE MET:

1. THE PROPOSED USE WILL NOT CAUSE UNACCEPTABLE DISTURBANCE TO NEIGHBOURS IN ANY WAY.
2. THE BUILDING HAS A GENUINE HISTORY OF USE FOR AGRICULTURE OR OTHER RURAL ENTERPRISE.
3. THE BUILDING IS STRUCTURALLY SOUND AND CAPABLE OF CONVERSION FOR THE PROPOSED USE, WITHOUT THE NEED FOR MAJOR ALTERATIONS WHICH WOULD ADVERSELY AFFECT THE CHARACTER OF THE BUILDING.
4. THE IMPACT OF THE PROPOSAL OR ADDITIONAL ELEMENTS LIKELY TO BE REQUIRED FOR THE PROPER OPERATION OF THE BUILDING WILL NOT HARM THE APPEARANCE OR FUNCTION OF THE AREA IN WHICH IT IS SITUATED.
5. THE ACCESS TO THE SITE IS OF A SAFE STANDARD OR IS CAPABLE OF BEING IMPROVED TO A SAFE STANDARD WITHOUT HARMING THE APPEARANCE OF THE AREA.
6. THE DESIGN OF THE CONVERSION SHOULD BE OF A HIGH STANDARD AND BE IN KEEPING WITH LOCAL TRADITION, PARTICULARLY IN TERMS OF MATERIALS, GEOMETRIC FORM AND WINDOW AND DOOR OPENINGS.

7. THAT ANY EXISTING NATURE CONSERVATION ASPECTS OF THE EXISTING STRUCTURE ARE PROPERLY SURVEYED AND WHERE JUDGED TO BE SIGNIFICANT PRESERVED OR, IF THIS IS NOT POSSIBLE, THEN ANY LOSS ADEQUATELY MITIGATED.

THE CONVERSION OF BUILDINGS SHOULD BE OF A HIGH STANDARD AND IN KEEPING WITH LOCAL TRADITION. THE IMPACT OF THE DEVELOPMENT, INCLUDING THE CREATION OF SERVICING, STORAGE AREAS AND CAR PARKING FACILITIES (OR OTHER ADDITIONS) SHOULD NOT HARM THE APPEARANCE OR FUNCTION OF THE AREA IN WHICH IT IS SITUATED. THE AONB MANAGEMENT PLAN SHOULD BE CONSIDERED AND WILL BE USED BY THE COUNCIL IN DETERMINING PLANNING APPLICATIONS.

PROPOSALS FOR THE CONVERSION OF BUILDINGS FOR EMPLOYMENT PURPOSES THAT INCLUDE RESIDENTIAL ACCOMMODATION WILL BE CAREFULLY ASSESSED. THE COUNCIL WILL REQUIRE THE SUBMISSION OF A BUSINESS PLAN IN SUPPORT OF THE PROPOSAL WHERE RESIDENTIAL ACCOMMODATION IS REQUIRED AS PART OF THE SCHEME IN LOCATIONS WHERE THE COUNCIL WOULD OTHERWISE RESTRICT THE CREATION OF DWELLINGS. IN ALL CASES THE PROPORTION OF LIVING ACCOMMODATION TO WORKSPACE MUST NOT EXCEED A LEVEL OF 60:40, WORKSPACE TO LIVING ACCOMMODATION, AND SHOULD FORM AN INTEGRAL PART OF THE LAYOUT AND DESIGN OF THE CONVERSION.

PROPOSALS WILL BE ASSESSED IN ACCORDANCE WITH NATIONAL PLANNING GUIDANCE.

The Council in accord with its vision and key statements wishes to create the right environment for business growth whilst ensuring development is sustainable.

### **POLICY DMB3: RECREATION AND TOURISM DEVELOPMENT**

- 10.25** PLANNING PERMISSION WILL BE GRANTED FOR DEVELOPMENT PROPOSALS THAT EXTEND THE RANGE OF TOURISM AND VISITOR FACILITIES IN THE BOROUGH. THIS IS SUBJECT TO THE FOLLOWING CRITERIA BEING MET:

1. THE PROPOSAL MUST NOT CONFLICT WITH OTHER POLICIES OF THIS PLAN;
2. THE PROPOSAL MUST BE PHYSICALLY WELL RELATED TO AN EXISTING MAIN SETTLEMENT OR VILLAGE OR TO AN EXISTING GROUP OF BUILDINGS, EXCEPT WHERE THE PROPOSED FACILITIES ARE REQUIRED

IN CONJUNCTION WITH A PARTICULAR COUNTRYSIDE ATTRACTION AND THERE ARE NO SUITABLE EXISTING BUILDINGS OR DEVELOPED SITES AVAILABLE;

3. THE DEVELOPMENT SHOULD NOT UNDERMINE THE CHARACTER, QUALITY OR VISUAL AMENITIES OF THE PLAN AREA BY VIRTUE OF ITS SCALE, SITING, MATERIALS OR DESIGN;
4. THE PROPOSALS SHOULD BE WELL RELATED TO THE EXISTING HIGHWAY NETWORK. IT SHOULD NOT GENERATE ADDITIONAL TRAFFIC MOVEMENTS OF A SCALE AND TYPE LIKELY TO CAUSE UNDUE PROBLEMS OR DISTURBANCE. WHERE POSSIBLE THE PROPOSALS SHOULD BE WELL RELATED TO THE PUBLIC TRANSPORT NETWORK;
5. THE SITE SHOULD BE LARGE ENOUGH TO ACCOMMODATE THE NECESSARY CAR PARKING, SERVICE AREAS AND APPROPRIATE LANDSCAPED AREAS; AND
6. THE PROPOSAL MUST TAKE INTO ACCOUNT ANY NATURE CONSERVATION IMPACTS USING SUITABLE SURVEY INFORMATION AND WHERE POSSIBLE SEEK TO INCORPORATE ANY IMPORTANT EXISTING ASSOCIATIONS WITHIN THE DEVELOPMENT. FAILING THIS THEN ADEQUATE MITIGATION WILL BE SOUGHT.

IN THE FOREST OF BOWLAND AREA OF OUTSTANDING NATURAL BEAUTY THE FOLLOWING CRITERIA WILL ALSO APPLY:

1. THE PROPOSAL SHOULD DISPLAY A HIGH STANDARD OF DESIGN APPROPRIATE TO THE AREA.
2. THE SITE SHOULD NOT INTRODUCE BUILT DEVELOPMENT INTO AN AREA LARGELY DEVOID OF STRUCTURES (OTHER THAN THOSE DIRECTLY RELATED TO AGRICULTURE OR FORESTRY USES).

IN THE AONB IT IS IMPORTANT THAT DEVELOPMENT IS NOT OF A LARGE SCALE. IN THE AONB AND IMMEDIATELY ADJACENT AREAS PROPOSALS SHOULD CONTRIBUTE TO THE PROTECTION, CONSERVATION AND ENHANCEMENT OF THE NATURAL BEAUTY OF THE LANDSCAPE. WITHIN THE OPEN COUNTRYSIDE PROPOSALS WILL BE REQUIRED TO BE IN KEEPING WITH THE CHARACTER OF THE LANDSCAPE AREA AND SHOULD REFLECT THE LOCAL VERNACULAR, SCALE, STYLE, FEATURES AND BUILDING MATERIALS.

Recreation and tourism development are often well suited to rural areas and there is a need to have in place effective measures to ensure that facilities and infrastructure can be enhanced in a sustainable way.

Core Strategy Adoption version

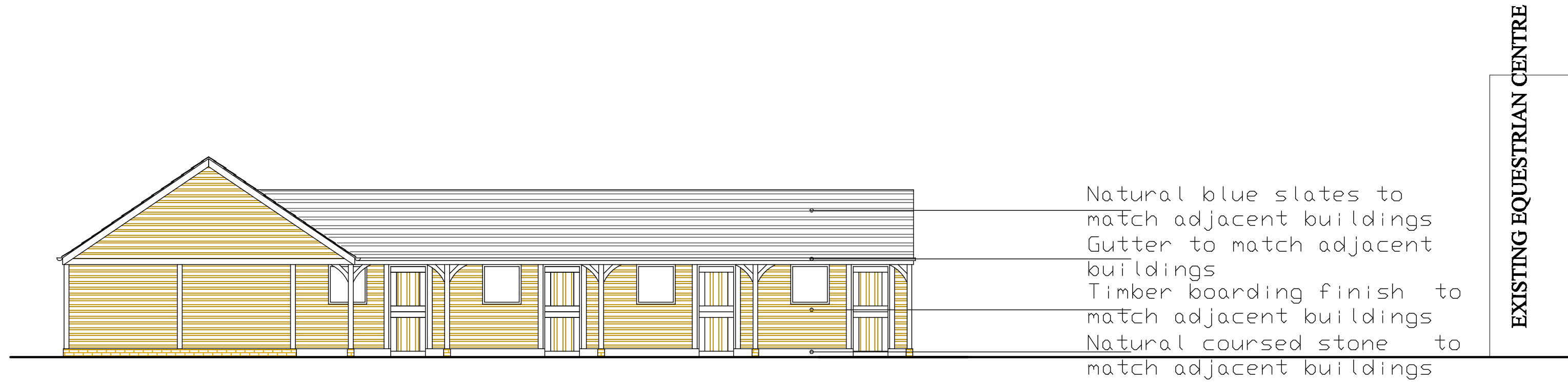
## Appendix 3



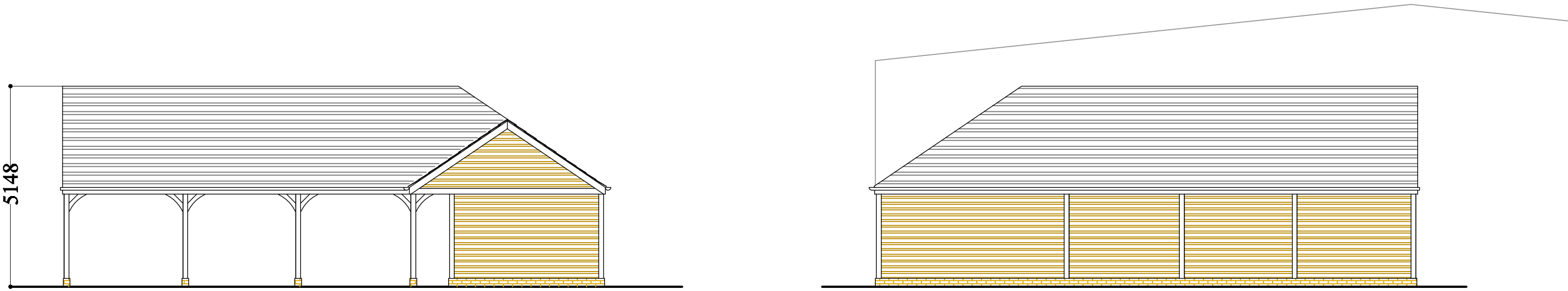
LOCATION PLAN

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1:2500  
@ A3 size



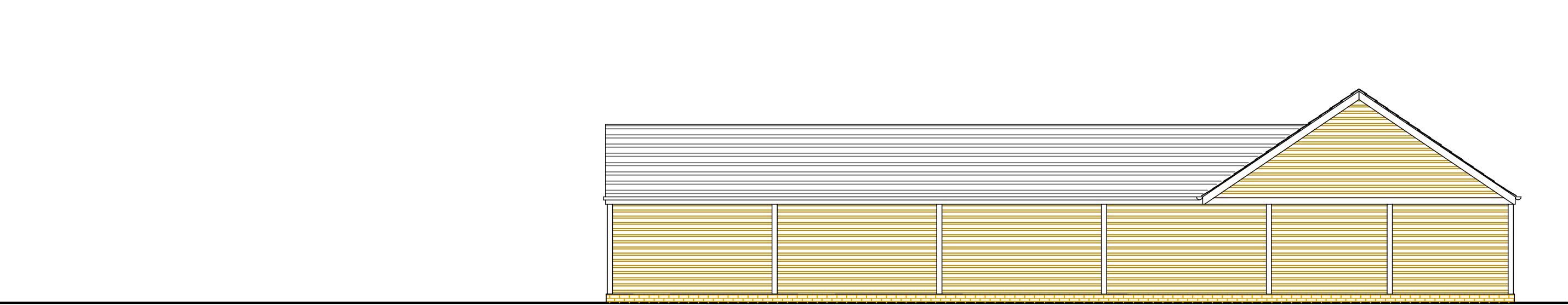


NORTH ELEVATION

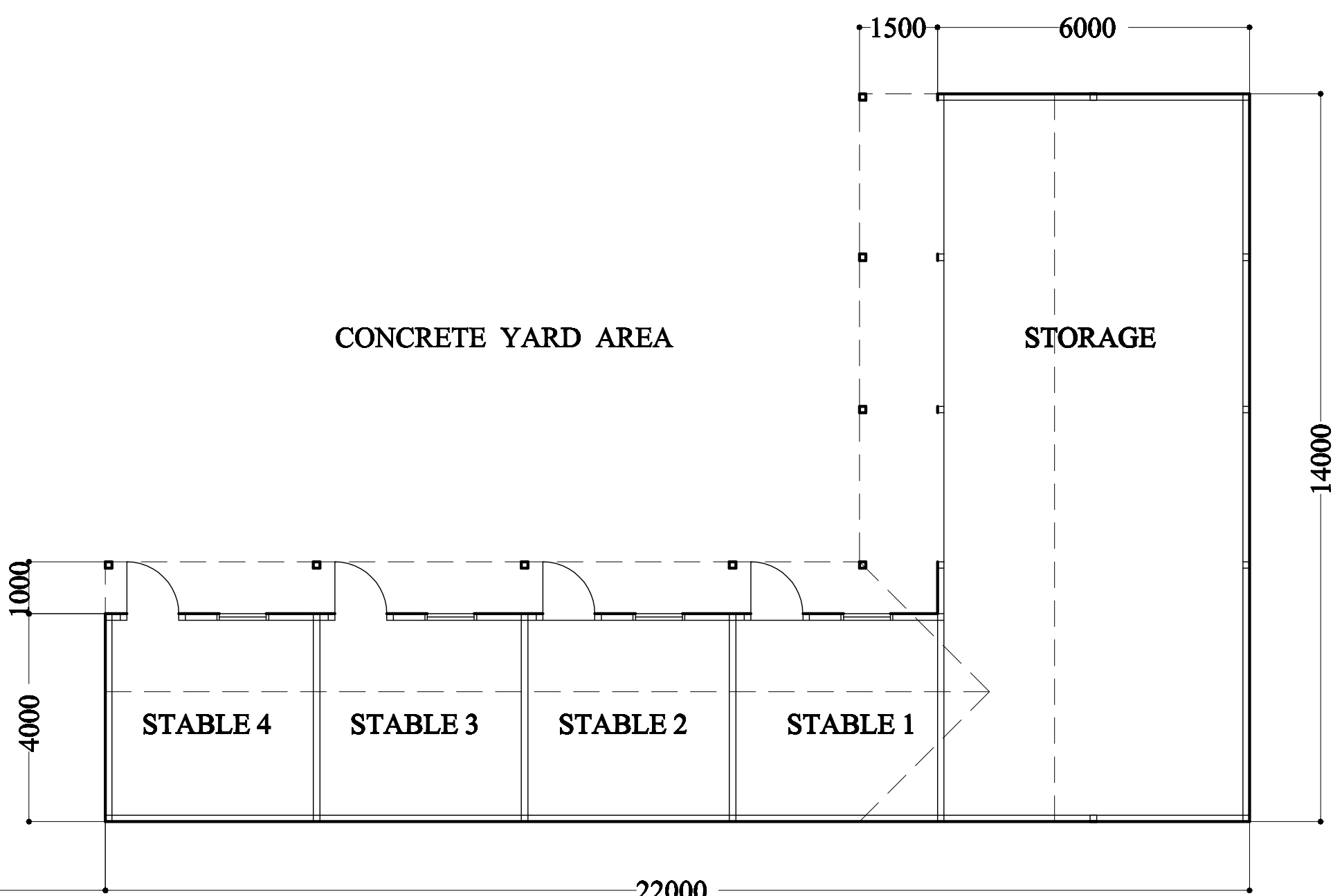


WEST ELEVATION

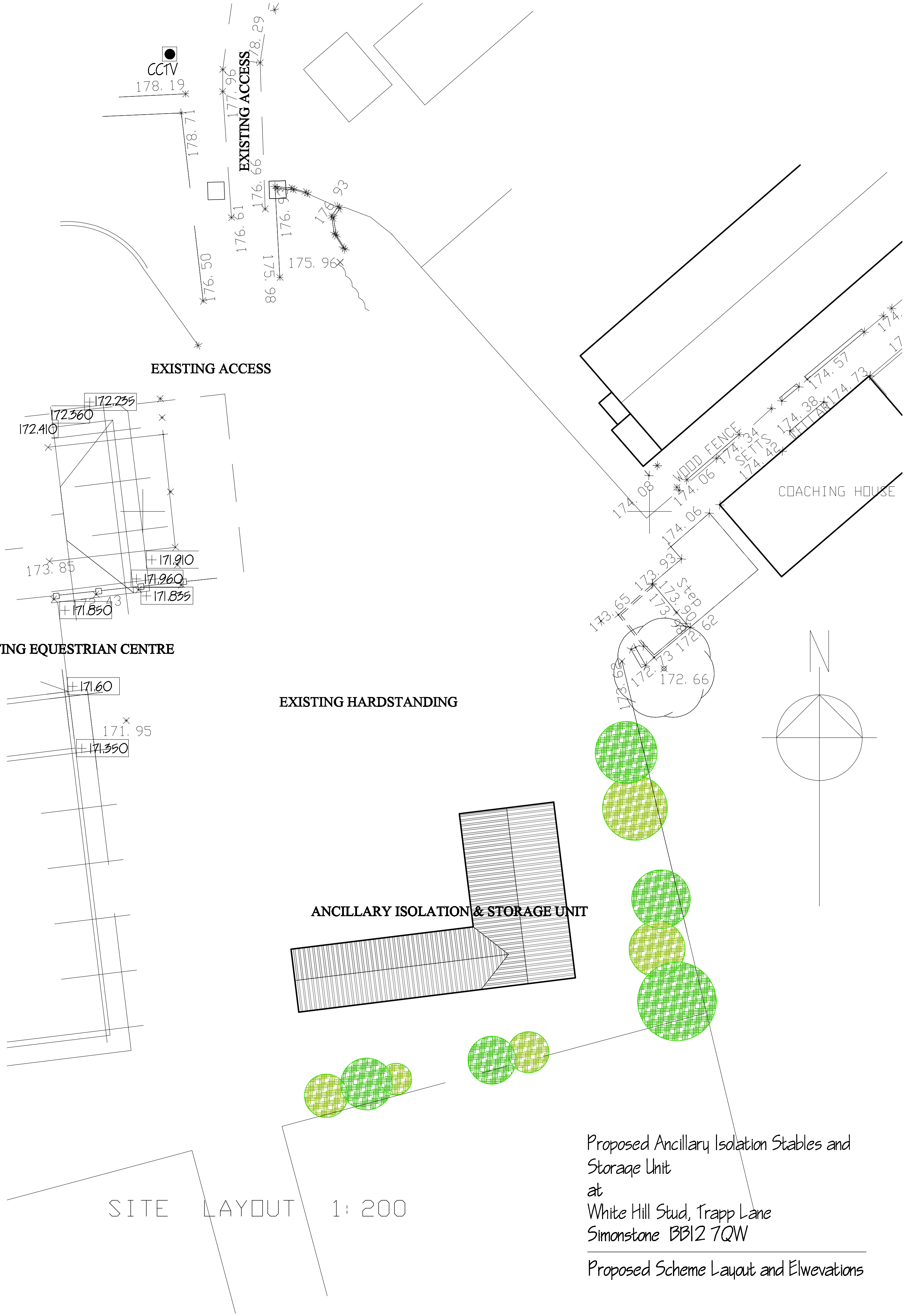
EAST ELEVATION



SOUTH ELEVATION



FLOOR PLAN 1: 100



SITE LAYOUT 1: 200

Proposed Ancillary Isolation Stables and  
Storage Unit  
at  
White Hill Stud, Trapp Lane  
Simonstone B312 7QW

Proposed Scheme Layout and Elevations

Scale: 1:100 Date: July 22 Draw No: 192B/302

THIS DRAWING MUST NOT BE SCALED, ONLY WRITTEN  
DIMENSIONS MUST BE USE.



**Report to be read in conjunction with the Decision Notice.**

|                |                 |    |              |          |                 |    |              |                 |
|----------------|-----------------|----|--------------|----------|-----------------|----|--------------|-----------------|
| <b>Signed:</b> | <b>Officer:</b> | KH | <b>Date:</b> | 25/01/24 | <b>Manager:</b> | LH | <b>Date:</b> | <b>01/02/24</b> |
|----------------|-----------------|----|--------------|----------|-----------------|----|--------------|-----------------|

|                                    |             |                                                                                                                                                                                                     |
|------------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Ref:</b>            | 3/2023/0682 |  <b>Ribble Valley<br/>Borough Council</b><br><a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a> |
| <b>Date Inspected:</b>             | 12/9/23     |                                                                                                                                                                                                     |
| <b>Officer:</b>                    | KH          |                                                                                                                                                                                                     |
| <b>DELEGATED ITEM FILE REPORT:</b> |             | <b>REFUSAL</b>                                                                                                                                                                                      |

|                                 |                                                                                         |
|---------------------------------|-----------------------------------------------------------------------------------------|
| <b>Development Description:</b> | Proposed timber stables for the isolation of horses and ancillary storage area.         |
| <b>Site Address/Location:</b>   | White Hill Stud, Higher Trapp House Equestrian Centre, Trapp Lane, Simonstone. BB12 7QW |

|                                          |                            |
|------------------------------------------|----------------------------|
| <b>CONSULTATIONS:</b>                    | <b>Parish/Town Council</b> |
| Simonstone Parish Council – no response. |                            |

|                       |                                              |
|-----------------------|----------------------------------------------|
| <b>CONSULTATIONS:</b> | <b>Highways/Water Authority/Other Bodies</b> |
| None.                 |                                              |
| <b>CONSULTATIONS:</b> | <b>Additional Representations.</b>           |
| None.                 |                                              |

**RELEVANT POLICIES AND SITE PLANNING HISTORY:**

**Ribble Valley Core Strategy:**

Key Statement DS1 – Development Strategy  
 Key Statement DS2 – Presumption in Favour of Sustainable Development  
 Key Statement EN2 - Landscape  
 Policy DMG1 – General Considerations  
 Policy DMG2 – Strategic Considerations  
  
 NPPF December 2023

**Relevant Planning History:**

**2023/0353** – Variation of Condition – redevelopment of existing equestrian centre to from shores stables and livery, indoor arena and external riding area, including the demolition of the existing dilapidated building (pursuant to variation of condition 5 on permission 3/2015/0283) to allow for commercial enterprise use – Approved.

**2022/0755** – Proposed timber stables for the isolation of horses and ancillary storage area – Refused.

**2021/0005** - Proposed structure to provide ancillary storage for equipment, feed, bedding and materials, for use in the adjacent equestrian facility (Refused)

**2017/0878** - Proposed construction of stud managers house, adjacent to existing equestrian centre. Re-submission of application 3/2016/1001 (Refused)

**2017/0876** - Proposed new building to accommodate mares at the existing equestrian centre (resubmission of 3/2016/1016) (Refused)

**2016/1016** - Proposed new building to accommodate mares at the existing equestrian centre (Refused)

**2016/1001** - Proposed accommodation for equestrian personnel (Refused)

**2016/0854** - CCTV posts, external arena lighting and general external lighting off building (Refused)

**2016/0678** - 15m diameter, round, covered horse exercise arena (Approved)

**2016/0297** - Proposed relocation of an existing steel frame storage unit for animal feed and equestrian equipment (Approved)

**2015/0706** – Proposed new dwelling for essential specialist equestrian care (Refused)

**2015/0283** - Redevelopment of existing equestrian centre to form horse stables and livery, indoor arena and external riding area, including the demolition of the existing dilapidated building (Approved)

**2014/0607** - Proposed stables, livery, indoor arena and external riding arena area (Refused)

**2013/0870** – Change of use from agricultural pasture land to equine facilities, to create a fenced menage arena and 4 paddocks – Withdrawn.

#### **ASSESSMENT OF PROPOSED DEVELOPMENT:**

##### **Site Description and Surrounding Area:**

The application relates to an existing equestrian complex comprising stables and livery, indoor arena and external riding area that was granted consent in 2015 at land off Trapp Lane, Simonstone. The complex is sited in an open countryside location off the Western side of Trapp Lane and to the West of the Higher Trapp Hotel to the North of the settlement of Simonstone. The landform is such that the gradients fall in a Southerly direction across and beyond the site limits with dwellings that front onto Whins Lane set at a much lower level approximately 120m to the South of the site.

##### **Proposed Development for which consent is sought:**

Consent is sought for the retention of a building comprising a stable block and storage area for the isolation of horses. The building has been in situ since the previous application was refused in October, 2022 with work commencing on ground levelling prior to the determination of that application (3/2022/0755).

Amended plans have been received which reduce the height of the structure and propose additional planting to the south and eastern boundaries.

##### **Principle of Development:**

The application site comprises an extensive planning history, most of which relates to the period following the original approval of the equestrian complex in 2015. An application for a similar building was refused in 2022.

The previous approval of the equestrian complex in 2015 was limited by way of a condition which read as follows:

*‘The stables, indoor arena and outdoor arena hereby permitted shall be for private use only and shall not be used in connection with any commercial enterprise such as livery stables or riding school and shall not be used for the holding of competitions or events that might attract visitors or spectators.*

*Reason: In the interests of the amenities and character of the locality the amenities of nearby residents and highway safety’.*

The 2023/0353 application sought to vary this condition to the following:

*The stables, indoor arena and outdoor arena hereby permitted shall not be used for the holding of competitions or events.*

*Reason: To discourage visitors, spectators and other members of the public from visiting the site in the interests of the amenities and character of the locality the amenities of nearby residents and highway safety and to comply with Policies DMG1 and DME2 of the Ribble Valley Core Strategy.*

Of relevance are three previous applications which were refused in 2016, 2017 and 2021, all three of which were for the construction of a building sited on an area of hardstanding located immediately adjacent to the North-eastern side of the main complex.

The refused applications from 2016 and 2017 related to the proposed construction of an additional building to accommodate mares while the 2021 proposal was for the construction of a large storage building. All three of these applications were refused on the basis of their visual impact within the surrounding open countryside and insufficient justification in the context of the private recreational use of the complex.

Furthermore, the fields to the North of the application site are used to keep horses, as evidenced by the erection of field shelters, subdivision of the fields with post and rail fencing and the construction of a perimeter stone track. It was stated previously that horses being kept on this land for anything other than grazing would constitute a material change of use of the land which in turn would require the regularisation of the use of this land.

This application seeks to retain a timber stable block and storage area which was previously refused in 2022 on an area of hardstanding located immediately adjacent to the North-eastern side of the indoor arena element. This is in the same location as previously refused applications and was in evidence when the site was visited.

The building, whilst slightly smaller than that previously refused, would nonetheless be a building of significant size comprising a footprint of almost 180m<sup>2</sup> and standing at around 4.5 m to ridge. However, the length and depth of the building, as revised, would still be significant and result in a large, bulky addition to this site to the detriment of its visual amenity.

In terms of justification for the proposal, the application’s supporting information states that the proposed building would allow for the isolation of horses with infectious diseases. The supporting information states that such isolation measures are recommended by veterinarians.

Whilst, Policy DMG2 of the Ribble Valley Core Strategy allows for small scale recreational developments appropriate to a rural area the quantum of development proposed in this instance would be inappropriate due to the cumulative impact of incremental development therefore the proposal would not meet the definition of a small scale.

Taking all of the above into account, it is considered that the revised proposal would still constitute an inappropriate form of development without sufficient justification. As such, the proposal fails to accord with the requirements of Policy DMG2 and is therefore unacceptable in principle.

### **Impact Upon Residential Amenity:**

The proposed building would be located directly adjacent to the existing main complex approximately 40–50 meters away from the nearest neighbouring properties to the north-east therefore the proposed building would not result in any undue harm to residential amenity.

### **Visual Amenity:**

The equestrian complex is a large addition in the surrounding landscape by virtue of its elevated position, however, its location is somewhat screened by existing built form and landform to the south. Concerns were raised during the assessment of previous applications, the most recent being 2022/0755, with regards to the impact on the visual appearance of the landscape in terms of scale, design and massing. This addition is closely related to the main building and the site boundary.

The stable block & storage building has been sited on an area of hardstanding located immediately adjacent to the north-east side of the complex. This location was the same for the previously refused accommodation and storage buildings which were refused by virtue of their visual impact within the surrounding landscape.

Whilst the proposed building has been reduced since the first application (3/2014/0607) and the subsequent application (3/2017/0876), and its ridge height has been reduced by approx. 0.6m since the 2022 application, its footprint and siting is unchanged as that refused in 2022 which was considered to result in a bulky addition to the existing built form on site. In addition, its siting would remove the existing visual gap between the main complex building and the group of domestic and commercial buildings to the East of the site. It is noted that the majority of these dwellings are now in the same ownership as the application site and are understood to be occupied by staff for the site.

Key Statement EN2 of the Ribble Valley Core Strategy states:

*‘...it is important to ensure development proposals do not serve to undermine the inherent quality of the landscape... the Council will seek to ensure that the open countryside is protected from inappropriate development.’*

Furthermore, Policy DMG2 states:

*‘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.’*

Moreover, Policy DMG1 states:

*‘All development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing and style [and] consider the density, layout and relationship between buildings, which is of major importance...particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character.’*

Taking into account the above, it is still considered that the building, by virtue of its siting, scale, bulk and massing and the accumulation of built form, would be harmful to the visual amenities and inherent character of the area and would be injurious to the openness of the site without sufficient justification, all of which would be contrary to the aims and objectives of the above Core Strategy Policies and National Planning Policy Framework.

Whilst the restrictive condition applied to the 2015 permission for the complex was varied in 2023 this does not any concerns about the visual harm.

**Ecology:**

No ecological constraints were identified in relation to this application.

**Highways:**

The construction of timber stables for the isolation of horses would not result in any undue highway safety concerns. Notwithstanding that the surrounding roads are narrow and winding any intensification of the use and increased access by deliveries and horseboxes is unlikely to lead to any undue impact on highway safety.

**Observations/Consideration of Matters Raised/Conclusion:**

The development is considered an inappropriate form of development in a countryside area with insufficient justification given on the need for such a large building which would harm the character of the rural area and reduce the sense of openness within the site. For these reasons it is considered that the development would be harmful to the visual appearance and inherent character of the area. Therefore, it is recommended accordingly.

**RECOMMENDATION:**

That planning permission be refused for the following reason:

**01**

The proposal, as a result of its siting, scale and bulk, and the accumulation of built form, would lead to inappropriate development in the open countryside, which would be injurious to the openness of the area and of detriment to the visual appearance and inherent character of the site and surrounding countryside without sufficient justification. This is contrary to Policies DMG2, DMG1 and EN2 of the Ribble Valley Core Strategy 2008 – 2028.

## Appendix 4

# Appeal Decision

Site visit made on 20 August 2024

**by H Senior BA (Hons) MCD MRTPI**

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

**Decision date: 11 October 2024**

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**Appeal Ref: APP/T2350/W/24/3340325**

**Higher Trapp House, Equestrian Centre, Trapp Lane, Simonstone,  
Lancashire BB12 7QW**

- 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 Whittaker (White Hill Stud) against the decision of Ribble Valley Borough Council.
  - The application Ref is 3/2023/0682.
  - The development proposed is timber stables and storage.
- 

## Decision

1. The appeal is allowed and planning permission is granted for proposed timber stables for the isolation of horses and ancillary storage area at Higher Trapp House, Equestrian Centre, Trapp Lane, Simonstone, Lancashire BB12 7QW in accordance with the terms of the application, Ref 3/2023/0682, dated 24 August 2023, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The application form indicated that the building has been completed. I saw that on site there was a building similar to the plans although the landscaping has not been planted. I have therefore determined the appeal based on the submitted plans.
3. The description of development in the heading above is taken from the application form. In Part E of the appeal form it is stated that the description of development has changed and a different wording has been entered. This change has been agreed by both parties and as it more accurately describes the proposal I have used it in the formal decision.

## Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

5. The appeal site is an Equestrian Centre comprising a number of buildings and external facilities as well as an access road from Trapp Lane. The area lies within open countryside on a sloping hillside. There are limited views of the



buildings from Trapp Lane with more open views of the site from Whins Lane to the south which is at a lower level.

6. The stables have been constructed on an area of existing hardstanding within the equestrian centre complex from similar materials to, and design of, the existing equestrian buildings on the site. The appellants require the building to allow for isolation of horses separate from the main stable block.
7. The stable block, particularly when viewed from the south is seen as part of the complex of buildings including those at the Equestrian Centre, nearby hotel and dwellings. The scale of the building is smaller and lower than those around it and it does not appear as an isolated building in the countryside. Whilst there has been an incremental increase in the buildings on the site a building such as the stable block is not excessive in terms of its height and scale and in addition it is seen within the existing built form.
8. Due to its proximity to built development, as well as hardstandings and other paraphernalia relating to the equestrian use at the site, the stable is not perceived as having a harmful effect in terms of encroachment into the open countryside, that surrounds these buildings. In addition, when viewed from surrounding areas the position of the existing buildings limits the perception of a visual gap allowing the additional building to be viewed in the context of those around it.
9. The proposal includes additional landscaping to the south and east of the building. From my site visit I did not see that this has been planted. The inclusion of the landscaping would assimilate the building into the landscape and reduce the impact of it in the wider area.
10. I conclude that the proposal would not harm the character and appearance of the area. It would comply with Policies DMG2, DMG1 and EN2 of the Ribble Valley Core Strategy 2008-2028 (2014) which together amongst other matters seek to ensure that development is in keeping with the character of the area and is sympathetic to existing uses in terms of scale, massing and style.

### **Other Matter**

11. I note the neighbours' comments regarding the view from their property on Whins Lane. Due to the distance from the building, there would be no harm to the outlook from the nearby properties and views of the open countryside would remain. I do not therefore consider that the proposal would adversely affect the living conditions of the occupiers of the nearby properties.

### **Conditions**

12. I have considered the conditions put forward by the Council which the appellants have commented on.
13. Although the building is complete, the landscaping shown on the plan has not yet been planted I have imposed a plans condition in the interests of certainty. The time limit condition is not necessary although the condition requiring the landscaping to be completed in the first planting and seeding seasons following the date of approval is necessary to ensure the development responds positively to the character of the area.

14. The proposal does not include any external building or ground mounted lighting. A condition requiring any proposed lighting to be submitted to and approved by the Council is necessary to protect the character of the open countryside.
15. The amended description of development in the formal decision specifies that the stables would be for isolation of horses and storage. A condition limiting the use to these matters is not therefore necessary.

### **Conclusion**

16. For the reasons given above the appeal should be allowed.

*H Senior*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in accordance with drawing nos; Location Plan, 1528/302A Proposed Scheme Layout and Elevations.
- 2) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the date of approval; and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 3) Prior to their installation details of a scheme for any external building or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**\*\*\*End of Schedule\*\*\***