



Appeal Decision

Site visit made on 15 February 2023

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 9 March 2023

Appeal Ref: APP/T2350/W/22/3300693

Land to the rear of the Former Punch Bowl Inn, Longridge Road, Hurst Green, Lancashire BB7 9QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Donelan Trading Limited against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2021/1118, dated 2 November 2021, was refused by notice dated 11 March 2022.
 - The development proposed is a change of use of land to create a 15no pitch static caravan holiday park.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. the effect on the setting of the Grade II listed building known as The Punch Bowl Inn and the special historical and architectural qualities it possesses; and
 - ii. the effect on the character and appearance of the area and, in particular, whether the development would conserve the setting of the landscape and scenic beauty of the Forest of Bowland Area of Outstanding natural Beauty (AONB).

Site and Surroundings

3. The appeal site comprises part of the curtilage of the former Punch Bowl Inn which was demolished in 2021. The appeal against the Listed Building Enforcement Notice relating to the demolition of the building is the subject of a separate decision. The materials resulting from the demolition of the building remain on site.
4. The site is situated in open countryside and immediately adjacent to the boundary of the Forest of Bowland AONB. The site is at the meeting point of a number of public rights of way. A public footpath runs north-south following the western boundary and a bridleway and footpath also run north to south and end at Longridge Road near to the appeal site.
5. The listing describes the building as '*A public house with 1793 R E plaque above the door with mid-nineteenth century addition to the east. Possibly*

originally a pair of cottages with a barn to the west now converted to form part of the pub'. Features of particular historic and architectural interest included the external watershot sandstone, eighteenth century proportions and the arrangement of fenestration. However, the overall composition of the building as a whole demonstrated wider cultural and social value and interest.

6. Planning permission is sought for the change of use of the land to a 15 pitch static caravan holiday park with the caravans arranged roughly in an arc around the former site of the Listed Building. Two different types of static caravan are proposed which would incorporate timber cladding and timber effect boarding walls, a tile effect roof and UPVC windows and doors.
7. In October 2018 planning permission was granted by Ribble Valley Borough Council for the conversion of the former Punch Bowl Inn into five holiday lets and café including demolition and extensions and a new pitch static caravan holiday park with 15 units with curtilage. The arrangement of the static caravans in the current proposal is the same as originally approved. That scheme can no longer be implemented because the Listed Building has now been demolished.

Setting of the Listed Building

8. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is reiterated in Policy DME4 of the Policy DME4 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Adopted Version Adopted 16 December 2014 (the CS) which states that in considering development proposals the Council will make a presumption in favour of the conservation and enhancement of heritage assets and their settings. Development proposals on sites within the setting of a listed building which causes harm to the significance of the heritage asset will not be supported.
9. The Framework states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification. In this case, the submitted Planning Statement does not adequately address the effect of the development on the listed building and no clear justification is provided with reference to any harm to its setting.
10. With specific regard to the setting of the Listed Building, in granting planning permission the Council previously concluded that there may be some harm but more information should be obtained to enable a more comprehensive assessment. Given the statutory basis for determining proposals such as this as well as the national and development plan policies I find this approach to have been most unusual. Nonetheless, given the lack of supporting evidence, the Council's approach to this revised application is more aligned to the statutory and policy context which requires special regard to be given to the desirability of preserving the setting of a Listed Building and that great weight

should be given to an asset's conservation when considering the impact on significance.

11. The appellant argues that given that the listed building is no longer present on the site the Council should have granted planning permission for the development – how can there be any harm to a heritage asset which no longer exists? However, the demolition of the heritage asset was unlawful and therefore this argument attracts very little weight in the planning balance.
12. It is further argued that even if the listed building is restored pursuant to the Listed Building Enforcement Notice requirements, the same conclusions should be drawn as the previous planning permission granted in October 2018 since the circumstances would be exactly as they existed on the site at the time the previous planning application and listed building consent were granted. However, that is simply not the case because there is currently no extant planning permission or proposal for the reuse of the former Punch Bowl Inn. As such I do not accept the argument that the Council has shown a lack of consistency in their decision-making.
13. In these circumstances, and in the absence of a detailed heritage assessment and a clear and convincing justification regarding the effect on the setting of the designated heritage asset the presumption in favour of the conservation and enhancement of the setting of the heritage asset must prevail. I can see that the topography of the site and the existing landscaping and boundary treatments would have an important role in ensuring that the setting of the listed building is preserved, but nonetheless in this case there is insufficient evidence before me to show that the setting of the Listed Building and the special architectural and historic qualities it possesses would be preserved. Such harm in this case is likely to be less than substantial.
14. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the works. Previously, the Council concluded that there would be substantial public benefit associated with the development arising from bringing the Punch Bowl Inn back into use. The harm to the designated heritage asset caused by the 15 static caravan holiday park was outweighed by that substantial public benefit. That consideration cannot be made for the current proposed development as it does not include the former Punch Bowl Inn.
15. The appellant has not evidenced public benefits that would arise from the development. In the absence of the substantial public benefits previously acknowledged by the Council, there are no such benefits that would outweigh the harm to the setting of the Listed Building I have identified above.
16. Given the above, and in the absence of any clearly defined public benefit, I conclude that the development would have a harmful effect on the setting of the Grade II listed building known as The Punch Bowl Inn. This would fail to satisfy the requirements of the Act and the Framework and would conflict with Key Statement EN5, Policies DME4 and DMG1 of the.

Character and Appearance and Setting of the AONB

17. Longridge Road forms the southern boundary of the Forest of Bowland AONB. Paragraph 172 of the Framework considers the potential impact of development within an AONB and notes that "great weight should be given to

- conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.” It should be noted that this site is adjacent to the AONB and not within it.
18. Key Statement EN2 (Landscape) of the CS states that the landscape and character of the Forrest 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 and, 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. Furthermore, Policies DMG1 and DMG2 of the CS all seek to ensure development is in keeping with the character of the landscape and surrounding area in terms of scale, siting, layout, design and materials.
 19. The appeal site is not situated within the AONB but is adjacent to its boundary. However, it is my understanding that it is included in the Forest of Bowland AONB Landscape Character Area Appraisal which identifies the area as Undulating Lowland Farmland with Wooded Brooks. These areas are characterised by pasture fields deeply incised by wooded troughs and gorges, hedgerows and stone walls delineate field boundaries and there are scattered cottages and clustered villages.
 20. It is also my understanding that The Character Area Appraisal describes The New Row area, within which the application site is located, as a small area which extends beyond the southern edge of the AONB and encompasses several patches of mature mixed woodland, which contribute to an intermittent sense of enclosure within views across the landscape. The area consists of matured deciduous woodland which is a feature of this landscape and contributes to recognisable sense of place within views.
 21. At my site visit I observed that the appeal site is located within an area of open fields and pasture land and is on the edge of a small valley created by the adjacent watercourse. Part of the site is well screened by a row of tall and mature conifer trees which would remain as part of the current proposal. Most of the existing landscaping to the western and southern boundaries of the appeal site would also remain. A number of trees on site are also protected by a Tree Preservation Order and none of those are proposed for removal.
 22. In contrast to their assessment of the original proposed development comprising the conversion of the former Punch Bowl Inn into five holiday lets and café including demolition and extensions and a new pitch static caravan holiday park with 15 units, with respect to the current proposal the Council states that the development is prominent, incongruous, conspicuous and discordant in location and scale, form and materials. However, there is little explanation as to why their previous position has so fundamentally changed with particular reference to the AONB and landscape setting.
 23. I have taken account of the specific location of the site within the landscape, the variations of topography across the site, the scale of proposed development and the extensive tree and landscaping within and on the boundaries of the site. In the event of my allowing this appeal a number of conditions relating to

materials, design, landscaping and trees could be imposed to ensure the protection of the valued landscape surroundings. Therefore, I conclude that the proposed development would not have a harmful effect on the character and appearance of the area and, in particular, it would conserve the setting of the landscape and scenic beauty of the AONB. As such it complies with Key Statement EN2 and Policies DMG1 and DMG2 of the CS.

Conclusion

24. Although I have found that the development would not have a harmful effect on the character and appearance of the area and, in particular, it would conserve the setting of the landscape and scenic beauty of the AONB, I have concluded that it would have a harmful effect on the setting of the Grade II listed building known as The Punch Bowl Inn. For the above reasons and taking account of all other matters raised I conclude that the development would be contrary to the development plan as a whole and the appeal should be dismissed.

A A Phillips

INSPECTOR