



Appeal Decision

Site visit made on 16 October 2012

by **Richard Clegg BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 November 2012

Appeal Ref: APP/T2350/A/12/2177643

Old car park, Hodder Place, Stonyhurst, Clitheroe Lancashire, BB7 9PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr F P Cherry against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2011/0893, dated 26 October 2011, was refused by notice dated 27 April 2012.
 - The development proposed is one dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was made in outline form. Approval is not sought for any matters of detail at this stage, but the submitted plan shows indicative positions for the dwelling and a drive into the site.

Main Issues

3. I consider that the main issues in this appeal are:
 - (i) The effect of the proposed development on the character and appearance of the Forest of Bowland Area of Outstanding Natural Beauty (AONB).
 - (ii) Whether the proposal would represent a sustainable form of development.

Reasons

Character and appearance

4. The appeal site is in the countryside and lies to the south of Hodder Place, a substantial building at the head of the access road. Hodder Place was formerly the preparatory school for the nearby Stonyhurst College: it has subsequently been converted into 13 dwellings, and is a grade II listed building. It is suggested by the Appellant that the dwellings in the converted building, together with a few others in the vicinity, comprise a settlement. I would usually expect to find at least some local facilities and services in a settlement, and I consider that Hodder Place is simply a relatively small group of dwellings in the open countryside.
5. On the south side of Hodder Place are a number of garages, and the appeal site is set back beyond these. Whilst its position would lessen the effect of the proposed dwelling on the setting of the listed building, it would increase the

extent of the overall built form at Hodder Place. The Appellant explains that the site was formerly a car park and playground when Hodder Place was in use as a school, and its former use as a playground is supported in representations from local residents. There is some evidence of hardsurfacing on the northern part of the site, but much of the land is now covered by rough grass and other plant growth and it forms part of the open landscape around Hodder Place. The presence of tree cover along the access road and to the south of the site would restrict views of the dwelling on the approach to Hodder Place, and trees to the east would have a similar effect on views from the public footpath alongside the River Hodder. I note that additional tree and shrub planting is proposed to provide further screening. Notwithstanding these restricted views, I am concerned that the construction of a dwelling on the appeal site would represent encroachment into the countryside to the detriment of this attractive rural landscape

6. All matters of details are reserved, but the design and access statement refers to a 1.5 storey building, utilising stone, and built along the lines of a lodge. These indications of the form and appearance of the intended dwelling do not overcome my objection to the construction of a new dwelling in this open countryside location. I conclude that the proposed development would be damaging to the character and appearance of the Forest of Bowland AONB, and it would thereby conflict with Policy ENV1 of the Local Plan.

Sustainability

7. The appeal site is outside any of the settlements identified in the Ribble Valley Districtwide Local Plan. Policy H2 applies to proposals for housing outside settlements, which are restricted to development which is essential for uses wholly appropriate to the rural area, conversions, and proposals to meet a proven local need. The appeal proposal is for a new building and not a conversion. It is intended that it would be occupied by the Appellant and his wife, and he argues that his existing dwelling on the north-west side of Hodder Place, which would then become available, would be well-suited for older people who wish to live in the countryside. These circumstances do not, however, indicate that the development would be required in connection with a rural use or that it would meet a local need. The proposal would conflict with Policy H2 of the Local Plan.
8. The Council considers that the policies of the *National Planning Policy Framework* (the Framework) are of greater relevance than Policy H2. The Local Plan was adopted in 1998. Due weight should be given to policies adopted up to 2004 according to their degree of consistency with the Framework (paragraph 215). Policy H2 does not fully reflect the content of the Framework concerning rural housing, and this limits its weight.
9. The Framework emphasises the importance of sustainable development, which should seek to achieve economic, social and environmental gains. To promote sustainable development in rural areas, paragraph 55 makes it clear that most new housing should be located where it would enhance or maintain the vitality of rural communities. I have reached the view that Hodder Place does not constitute a settlement (above, para 4), and subsequent references in paragraph 55 to groups of settlements and the location of housing in villages indicate that the use of the term *rural communities* does not include relatively small groups of housing as exists at Hodder Place.

10. There is a good range of facilities and services at Clitheroe, but this is about 7km from Hodder Place. I have read that there is a primary school about 4km away, and the Appellant explains that a bus service to Clitheroe runs within 1.6km of the site. Although utility services are available, the site is not readily accessible to other facilities and services, whereas, in outlining the social role of the planning system in securing sustainable development, the Framework refers to accessible local services that reflect the community's needs. In this regard, the proximity of the private school at Stonyhurst College, carries little weight. Moreover, in this rural location, away from a bus route, accessibility to facilities and services would be likely to be dependant on the use of the private car, whereas one of the core planning principles of the Framework seeks to make the fullest possible use of public transport, walking and cycling.
11. There is no evidence that the proposal is required in connection with any rural enterprise. I acknowledge that construction of the dwelling could contribute to local economic activity, but the effect of this small-scale proposal would be limited. The development would not contribute otherwise to the economic dimension of sustainable development.
12. I have already found that the construction of a dwelling on the appeal site would harm the character and appearance of the AONB, contrary to the environmental dimension of sustainable development set out in the Framework. Although the site has been used as a playground and car park, much of it has a covering of vegetation, to the extent it that has blended into the surrounding landscape. It does not, therefore, meet the definition of previously-developed land set out in Annex 2 of the Framework, and the former use of the site does not assist the sustainability credentials of the proposal. The Appellant intends to make use of technology such as solar panels and ground source heat pumps. Whilst such an approach would reduce the impact of the development on the environment, the design of the building does not form part of this outline proposal: in any event using renewable energy technology would not outweigh the environmental harm caused by the erection of the dwelling itself.
13. The proposal would fail to make a significant contribution to the economic dimension of sustainable development, and it would be inconsistent with the social and environmental dimensions set out in the Framework. Additionally the development of a dwelling in this location would be contrary to Policy H2 of the Local Plan, which seeks to restrict development to protect areas of attractive open countryside. I conclude that the proposal would not represent a sustainable form of development.

Other matters

14. The Appellant refers to several instances of new residential development elsewhere in the AONB. The details of these cases are not before me, and each proposal must be judged on its own merits. In this regard the Council explains that the houses at Dunsop Bridge were justified on the basis of a local identified need for affordable dwellings, a circumstance which does not apply to the appeal proposal. This matter does not add weight in support of the appeal proposal.
15. In the grounds of appeal, the Appellant states that he wishes to apply for the return of his application fee. I note that he has already written to the Council on this matter, expressing dissatisfaction with the length of time taken to reach

a decision on the application, and this is not a matter which can be dealt with as part of the appeal process.

Conclusion

16. My overall conclusion, having regard to all matters raised, is that the appeal should be dismissed.

Richard Clegg

INSPECTOR