

HODDER GRANGE – STATEMENT OF COMMON GROUND NOTE

This note is to confirm that the appellant has queried a number of points on the decision with the Local Planning Authority prior to the submission of the appeal. Feedback on the queries is considered essential to allow an effective draft Statement of Common Ground to be produced.

The queries to the Local Planning Authority and its response is overleaf.

The Director of Economic Development and Planning has suggested that answers to the queries are provided as part of the appeal process, as part of SoCG discussions.

“As I believe you aware the case officer for this site left the Authority and at this stage no decision has been made on who will deal with any appeal submitted at this site. Due to very limited resources the team are focussing on their current caseloads and I would suggest that the matters queried below would be better discussed as part of the SoCG discussions when the appeal is submitted at which time an officer will be allocated to the appeal.”

On that basis a draft Statement of Common Ground will be produced together with the Local Planning Authority during the course of the appeal and forwarded to the Planning Inspectorate as soon as possible.

James Ellis

From: Nicola Hopkins [REDACTED]
Sent: 19 October 2022 09:32
To: James Ellis; Adrian Dowd
Cc: Stephen Kilmartin; Kathryn Hughes
Subject: RE: 3/2021/1008 - Hodder Grange

Dear James,

As I believe you aware the case officer for this site left the Authority and at this stage no decision has been made on who will deal with any appeal submitted at this site. Due to very limited resources the team are focussing on their current caseloads and I would suggest that the matters queried below would be better discussed as part of the SoCG discussions when the appeal is submitted at which time an officer will be allocated to the appeal.

If your clients want to deal with matters as part of UU a draft can be submitted with the appeal documentation

Yours,

Nicola

[REDACTED]



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

 @RibbleValley8C

From: James Ellis [REDACTED]
Sent: 18 October 2022 14:44
To: Adrian Dowd [REDACTED]
Cc: Nicola Hopkins [REDACTED]; Stephen Kilmartin
[REDACTED]; Kathryn Hughes [REDACTED]
Subject: RE: 3/2021/1008 - Hodder Grange

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Thank you Adrian.

I look forward to hearing from you or colleagues. Quite a few of the queried points in the email below, for example, which nearby listed historic houses will have their setting harmed by the proposals, arise the conservation response on the application, so I'm hopeful that you may be able to clarify please.

As noted below, we do feel that further clarity by way of a response on the queries at this stage, would be of benefit to all parties in the appeal process.

Best regards,

James

James Ellis MRTPI
Planning Director



[Redacted]

[Redacted]



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From: Adrian Dowd [Redacted]
Sent: 05 October 2022 17:31
To: James Ellis [Redacted]
Cc: Nicola Hopkins [Redacted]; Stephen Kilmartin [Redacted]
[Redacted]; Kathryn Hughes [Redacted]
Subject: FW: 3/2021/1008 - Hodder Grange

Dear James,

Thank you for your email.

I am not the case officer for the application and will take direction on this matter from colleagues.

Regards,
Adrian Dowd BSc (Hons) MA (URP) MA (Arch Cons) MRTPI IHBC
Principal Planning Officer
Ribble Valley BC

From: James Ellis [Redacted]
Sent: 05 October 2022 16:50
To: Adrian Dowd [Redacted]
Subject: 3/2021/1008 - Hodder Grange

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Dear Adrian,

The applicants for planning application 3/2021/1008 (Proposed new house of exceptional quality (NPPF Paragraph 80e) of Passivhaus Plus and Zero Energy design with associated landscaping and biodiversity enhancements) will be bringing forward an appeal against the refusal of consent.

There are a couple of reasons for refusal on the notice where the project team is not clear on the *specific* negative impacts asserted on the decision. I have highlighted the two reasons for refusal in question, together with Officer report quotes where relevant and some queries from the project team.

The project team feel that offering the council the opportunity to provide further detail on its concerns, so that we can address these in our appeal submissions, would be the best for both parties for a number of reasons namely:

1. It will make it easier for both sides and the Inspector to hone in upon the key areas of concern in the refusal, therefore saving time for all parties;
2. It will make it easier to draft and agree a Statement of Common Ground between both parties; and,
3. It will limit the amount of work to be undertaken in preparation of the appeal to second-guess the rationale behind the reasons and therefore reduce the risk to the council of a costs claim regarding 'vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.' NB. The appellant is not minded, at this time, to submit a costs claim as part of an appeal but will need to consider this if further clarity cannot be provided.

I would be grateful if you could review the below and provide any additional commentary as possible:

Reasons for Refusal 3: *The proposal would fundamentally change the local landscape which has remained as agricultural land for over 150 years and would confuse the significance of the historic hierarchy of land uses which are an important characteristic of the AONB. It would not significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area and does not meet the exceptions set out at para 80e of the NPPF.*

Queries:

1. How will the historic hierarchy of land uses be affected?
2. Is the council basing its commentary on the hierarchy of land uses (in the AONB) on any specific document?

Reason for Refusal 4: *"The site lies directly adjacent to Grade II listed Higher Hodder Bridge with the principal entrance to the site taken directly adjacent to it and in its immediate setting. The formation of ornate entrance gates in the immediate setting will draw the focus away from the bridge and detract from its significance. The proposal fails to make a positive contribution to local character and distinctiveness as it will detract from and confuse historic patterns of development and the hierarchy of dwellings founded in historic economic and social circumstances. It is considered that the proposal would constitute harm to the wider setting of the nearby listed historic houses, the immediate setting of the bridge and the cultural heritage of the AONB which is not outweighed by public benefit and as such is contrary to the NPPF para 197 and 202 and policies EN2, EN5 and DME4 of the core strategy."*

Officer Report Commentary:

"The house itself would be located further away from the listed bridge but the changes to the landscape here will still have an impact in terms of confusing the significance of historical land uses and the historic hierarchy of country estates and lower rural workers properties.

and

It is considered that the proposal would constitute harm to the wider setting of the nearby listed historic houses, the immediate setting of the bridge and the cultural heritage of the AONB."

Queries:

1. Which country estates are those referred to in the first sentence highlighted?*
 2. Where are the rural workers properties referred to in the first sentence highlighted?
 3. Which are the nearby listed historic houses whose setting will be harmed and how will they be harmed?*
- *Stonyhurst is referenced in the report, but no other houses.

Planning Controls on the Development should the Appeal be Allowed

One area that it would be helpful for both sites to agree at an early stage is planning controls on the development should it be allowed at appeal.

Section 7 of the submitted Planning Statement is entitled *'Proposed Planning Conditions and Restrictions'*

The sections sets out a list of areas that we would anticipate that the LPA would want to restrict and these are set out in Proposed Restrictions List in the section.

Paragraph 7.3 of that section states that:

"7.3: Restrictions on the new house could be via a planning condition. However, the applicants and project team acknowledge that a legal agreement may equally be appropriate for some of the restrictions. The project team has been involved in other cases where a legal agreement has formed a key part of a planning decision."

Could the LPA please confirm?

a) Whether it considers that a legal agreement (unilateral undertaking) would be required to control any of the areas listed in that section of the statement?; and,

b) If the answer to a) is yes, which areas does the LPA specifically feels should be included in a (unilateral undertaking)?

NB. For the avoidance of doubt, we are not seeking a full list of conditions covering other as, as anticipate this will be explored during the course of the appeal, probably via a statement of common ground.

I look forward to your early response on the above matters in order that input from both sides to the appeal can be minimised.

Best regards,

James

James Ellis MRTPI
Planning Director

