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## **APPEAL STATEMENT**

**Countess Hey, Elmridge Lane  
Chipping, Ribble Valley**

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**Countess Hey, Elmridge Lane  
Chipping, Ribble Valley**

**LPA ref. no:** 3/2017/0192  
**LPA:** Ribble Valley Borough Council  
**Appellant:** Mr Gornall

**Description of development:**

Change of use from former agricultural building  
to one dwelling

**Date:**

June 2017



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**Appendix 1** : Council's pre-application response

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# Chapter 1

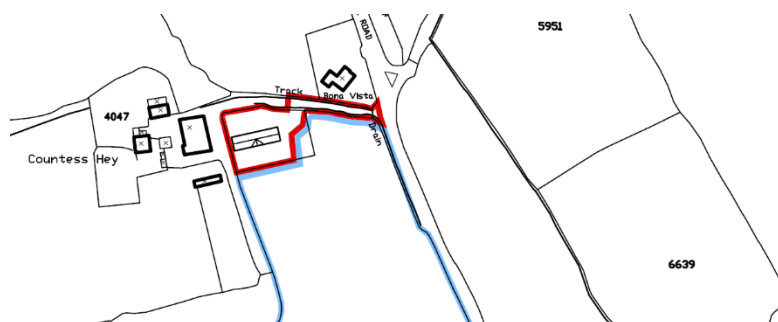
## Introduction

- 1.1. I am Alexis De Pol, Managing Director at De Pol Associates Ltd – Chartered Town Planning Consultants. I have a BA honours degree in Town Planning & Economic Development, a diploma in Town & Country Planning and I am a corporate member of the Royal Town Planning Institute. I have over 18 years professional experience in the field of town planning and have worked in both Local Authority and private practice.
- 1.2. De Pol Associates were instructed to submit a planning application to Ribble Valley Borough Council for the change of use and alteration of a vacant agricultural building known as Countess Hey into a single dwelling house (Council ref. 3/2017/0192). The application was refused in April 2017 and I am retained to submit this section 78 appeal.
- 1.3. For reasons identified in this Statement it is considered that based on planning policy and material considerations the application proposals represent appropriate development and the Council's reasons for refusal were unsound.
- 1.4. I declare that the evidence which I have prepared and provided for this appeal in this Statement is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions.

# Chapter 2

## Site Description and Planning History

2.1. The subject site, which is known as Countess Hey, is situated to the west of Elmridge Lane, near Chipping. It extends to approximately 0.1 hectares (excluding the private driveway) and comprises a detached vacant agricultural building and coarse unmanaged grassland.



2.2. The building is single storey and made up of three sections, comprising a central core and two identical sides. It is a blockwork building although some of the external walls are rendered. It has a pitched roof with a projecting gable on the southern elevation and the roof covering comprises concrete roof tiles. There are window apertures and doors visible, together with two large openings to the front and rear elevations.



southern elevation



northern elevation and adjacent converted barn

2.3. The site is accessed via a private drive which connects with Elmridge Lane to the east of the site. This private drive also serves the residential property to west of the application site, which comprises a former farmhouse and converted agricultural buildings, with associated residential curtilages.

- 2.4. There is also an existing two storey dwelling built in the 1950s/60s sited to the north east of the site (Bonna Vista), although this is accessed directly off the main road rather than via the private drive.



- 2.5. The site is bordered by hedgerows to the north, a boundary wall to the west and post and wire stockproof fencing to the southern and eastern boundaries. The site is sandwiched between the residential properties to the west and north east, with this wider development complex surrounded by countryside. There are also other converted residential developments in the surrounding area.
- 2.6. The application site and a field to the south is owned by the applicant and was previously used for agriculture, although this use is now redundant and the application property has laid empty for a number of years. The field has a separate agricultural access.

#### Planning History

- 2.7. A planning application was submitted by the owner in May 2016 (ref. 3/2016/0437) which sought planning permission to convert the existing building into a four bedroom dwelling. This application was refused under delegated powers in July 2016.
- 2.8. The scheme was then amended to address the Council's reasons for refusal and the application resubmitted (ref. 3/2017/0192). This was refused under delegated powers in April 2017 and it is this resubmitted application which is the subject of this appeal.



## Chapter 3

# Application Proposals

- 3.1. The application seeks full planning permission for the change of use of the existing building and associated alterations to form a three bedroom bungalow with two bathrooms, two reception rooms, kitchen, utility area and integral double garage.
- 3.2. The proposal includes the demolition of approximately 5 metres of the western side of the existing building, where an external amenity area is to be created. This will be bounded to the south by a natural stone wall, which together with the existing boundary wall to the west will screen the amenity area. New openings will be created in the southern and northern elevations, which have been sensitively designed to reflect local characteristics with smaller random openings and natural stone headers & cills. The building will also be clad in reclaimed natural stone, whilst the existing gable in the roof to the southern elevation is to be removed and the roof replaced with natural blue/grey slates to match the adjacent converted farm buildings. There are no added porches or peripheral details, with the form of the building kept as simple as possible.
- 3.3. The domestic curtilage has been kept modest and the new access driveway will be finished with single size gravel material to ensure surface run off complies with SUDS requirements. Any collected surface water from roofs etc. will be drained by discharge into an appropriate soakaway. Foul drainage will be dealt with by independent sewage treatment plant (Klargester Biodisc or similar) installed in accordance with manufacturer's instructions.
- 3.4. The scheme proposes the planting of a hedgerow / indigenous landscaping along the site boundaries to provide additional screening.



# Chapter 4

## Planning Policy Context

4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.2. The Development Plan in this instance comprises the Ribble Valley Core Strategy 2008-2028 (hereafter referred to as the Core Strategy or CS), which was adopted in December 2014. The application site is located within the designated countryside and the Area of Outstanding Natural Beauty (AONB), the later covering approximately 75% of the Borough. The Core Strategy policies relevant to the application proposals are set out below.

- **DMH3** 'Dwellings in the open countryside and AONB'. Criterion 2 of this policy permits the appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. It also requires buildings to be structurally sound and capable of conversion without the need for complete or substantial reconstruction.
- **DMH4** 'The Conversion of Barns and Other Buildings to Dwellings' which introduces the following additional criteria for the residential conversion of buildings anywhere within the Borough. The policy is essentially split into two parts and refers to the following criteria:

### Part 1

- 1) The building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of an already group of buildings, and
- 2) There need be no unnecessary expenditure by public authorities and utilities on the provision of infrastructure, and
- 3) There would be no materially damaging effect on the landscape qualities of the area or harm to nature conservations interests, and
- 4) There would be no detrimental effect on the rural economy, and
- 5) The proposals are consistent with the conservation of the natural beauty of the area, and
- 6) 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.





## Part 2

- 1) The building to be converted must be structurally sound and capable of conversion for the proposed use without the need for extensive building or major alteration, which would adversely affect the character or appearance of the building;
  - 2) The building must be of a sufficient size to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building.
  - 3) The character of the building and its materials are appropriate to its surroundings and the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting, and
  - 4) The building has a genuine history of use for agriculture or another rural enterprise.
- **Key Statement EN2** 'Landscape' states that the landscape and character of those areas that contribute to the setting and character of the Forest of Bowland AONB will be protected and conserved and wherever possible enhanced. It states that 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.
  - **DMG1** 'General Considerations' identifies a number of considerations for all development, such as schemes being of a high standard of design; being sympathetic to existing and proposed land uses in terms of scale, massing, style, features and building materials; consideration given to impact on landscape character; potential traffic, car parking implications and safe access; the amenities and privacy of the surrounding area; biodiversity; and infrastructure.
  - **DMG2** 'Strategic Considerations' states that within the AONB the most important consideration will be the protection, conservation and enhancement of the landscape and character of the area, avoiding where possible habitat fragmentation. It states that where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build. It requires development to be in keeping with the character of the landscape and acknowledge the special qualities of the AONB, by virtue of its size, design, use of material, landscaping and siting.
  - **DMG3** 'Transport and Mobility' refers to the relationship of the site to the primary route network and the strategic road network; the provision of access by pedestrian, cyclists and those with reduced mobility; providing adequate car parking and servicing space within all development.



- **DME2** 'Landscape and Townscape Protection' seeks to avoid significant harm to important landscapes or landscape features including woodlands, copses, hedgerows and individual trees
- **DME3** 'Site and Species Protection and Conservation' seeks to avoid impact on wildlife species protected by law, priority habitats or species identified in the Lancashire biodiversity action plan.
- **DME6** 'Water Management' states that development will not be permitted where it would be at an unacceptable risk of flooding or exacerbate flooding elsewhere.

4.3. A material policy consideration to be balanced against the Core Strategy is the National Planning Policy Framework (NPPF). Published in March 2012 the NPPF sets out the Government's planning policies for England and must be given significant weight in the consideration of planning decisions.

4.4. The NPPF requires local planning authorities (LPA) to approach decision-taking in a positive way to encourage growth and it places a very clear presumption in favour of approving applications which comprise sustainable development. In this regard it specifically states:

*"Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development." (para. 186)*

*"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible." (para 187)*

*"In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development" (para 197)*

4.5. The Ministerial foreword to the NPPF also states that:

*"Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision. This framework sets out clearly what could make a proposed plan or development unsustainable".*

4.6. This statement makes specific reference to NPPF paragraphs 115 and 116 which relate to AONB, as well as paragraphs 17 and 55 which relate to the re-use of existing buildings.



# Chapter 5

## Statement of Case

5.1 It is evident from the decision notice that there is no dispute between the Council and appellant that the scheme complies with matters relating to access/highway impact, flood risk, preserving the amenities and privacy of neighbouring uses, car parking, biodiversity, infrastructure, impact on trees and hedgerows. It is also assumed that the Council accept that the application proposals are in general compliance with the policies of the Core Strategy other than those identified in their reasons for refusal. This statement therefore focuses on the Council's reasons for refusing planning permission, which can be summarised as follows:

- The building and its materials are not considered worthy of retention, thereby conflicting with Core Strategy (CS) policy DMH4 and specifically criterion 3 in part 2 of said policy (Council's first reason for refusal). It is evident from the Council's pre-application response (Appendix 1) that they consider this conflict to mean that the proposals are not acceptable as a matter of principle.
- The proposals would fail to protect, enhance or conserve the character of the AONB Landscape and the character, appearance and visual amenities of the local area, contrary to CS policies EN2, DMG1, DMG2 and DMH4. This relates to the design and external appearance of the proposed dwelling and the extent of the proposed residential curtilage, driveway and likely visual impact of domestic paraphernalia (Council's second and third reasons for refusal).
- The works, extent of demolition and alterations proposed go beyond that which is considered solely conversion works and cumulatively constitutes major alterations, contrary to CS policy DMH4 (it is unclear whether this is part of the third reason for refusal or is identified as a separate fourth reason for refusal).

### **Principle of a residential conversion (worthy of retention)**

5.2 The residential conversion of vacant agricultural barns in the open countryside, including within the designated Area of Outstanding Natural Beauty (AONB), is acceptable in principle under the terms of Core Strategy policy DMH3 'Dwellings in the Open Countryside and AONB'.



- 5.3 The Council's first reason for refusal refers specifically to policy DMH4 'The Conversion of Barns and Other Buildings to Dwellings', which identifies a range of additional criteria for barn conversions irrespective of whether they are in the AONB. Criterion 3 in the second part of the policy states that the character of the building to be converted and its materials must be appropriate to its surroundings and that the building and its materials should be worthy of retention because of its intrinsic interest or potential or its contribution to its setting.
- 5.4 It is apparent from the Council's pre-application response that they consider conflict with this specific criterion means the proposal is unacceptable in principle. Their starting position appears to be that if the building is not worthy of retention then any residential conversion would represent an incongruous, discordant and unsympathetic form of development, irrespective of how it is designed.
- 5.5 There is no clear indication in the policy as to how a building is to be assessed as being worthy of retention. However, even if there were a conflict with this element of the policy the criterion must be balanced against other Core Strategy policies and material considerations. This includes the following.

Need to maximise existing resources, including the re-use of rural buildings

- 5.6 One of the identified core planning principles in NPPF 17, which are to underpin both plan-making and decision-taking, is to "*encourage the reuse of existing resources, including conversion of existing buildings*". NPPF 55 confirms that this includes buildings in the countryside/rural areas, as it identifies the re-use of redundant or disused buildings as one of the circumstances where new isolated homes in the countryside is permitted. There is no text or footnote to NPPF 55 to suggest that this policy does not apply to buildings in an AONB. Furthermore, NPPF 115 and 116 (which specifically relate to AONB) do not state that the principles of NPPF 55 do not apply. The paragraphs refer to weight being given to conserving landscape and scenic beauty within AONB and that planning permission should be refused for major developments in designated areas other than in exceptional circumstances. However, the residential conversion of an existing barn into a single dwelling is not 'major development' and although the need to conserve the landscape and scenic beauty is important when assessing the merits of an individual scheme, this does not suggest that barn conversions are unacceptable in principle.



5.7 The Government has also specifically reformed permitted development rights to free up the planning system and facilitate the conversion of redundant and under-used non-residential buildings into new homes. This includes converting empty agricultural buildings in the countryside into housing through the introduction of Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order (GDPO). This stipulates that a change of use of a building and land from an agricultural building to a use falling within Class C3 (dwellinghouse), together with building operations reasonably necessary to convert the building, comprise permitted development.

5.8 It is noted that Class Q does not apply to Article 2 (3) land such as AONB, however, the DCLG undertook a consultation on the then proposed alterations to the GDPO and subsequently published a report on the responses to this consultation. This was titled 'Greater flexibility for change of use' and with specific regard to the residential conversion of agricultural buildings the Government stated that:

*"The Government wishes to ensure protected landscapes are also growing communities. While it has decided at this time that Article 1 (5) land should be excluded from this permitted development use, the government expects National Parks and other local planning authorities in protected areas to take a positive and proactive approach to sustainable development, balancing the protection of the landscape with the social and economic wellbeing of the area. These areas are living communities whose young people and families need access to housing if their communities are to grow and prosper."* (paragraph 23 – attached at Appendix 2)

5.9 Class Q is a clear indication of the Government's steer to make full use of vacant agricultural buildings to deliver rural housing and whilst Class Q does not apply to AONB, the Government has confirmed it still expects LPAs to take a positive approach to residential barn conversions in the AONB.

5.10 The explanatory text to CS policy DMH4 also highlights how barn conversions can "usefully provide a housing resource and promote sustainability", whilst CS policy DMG2 'Strategic Considerations' states that within the open countryside and AONB new development should be accommodated through the reuse of existing buildings where possible, which in most cases is more appropriate than new build. The need to make full use of redundant buildings in the AONB to minimise the need for new



development is particularly relevant given that 75% of the Borough is designated AONB. As already highlighted CS policy DMH3 specifically permits the residential conversion of buildings in the open countryside and AONB.

- 5.11 It is clear therefore that both NPPF and the CS promote the re-use of buildings within the AONB to make maximum use of existing resources, reduce pressure for new build development and deliver rural housing. Having redundant, vacant and empty buildings is not only a wasted resource, but buildings left to fall into a dilapidated condition can also have a negative impact on the environment. This applies irrespective of whether the building is within the AONB.

#### Helping address the Borough's housing shortfall

- 5.12 CS policy H1 'Housing Provision' requires 5,600 dwellings to be delivered in the Borough over the plan period at an average of 280 dwellings per annum. The Council's most recent Housing Land Availability Schedule (dated Oct 2016) confirms that that Council has so far only delivered 1,549 dwellings in the 8½ years since the start of the Core Strategy period, which represents just 65% of its requirement over this period based on the annual requirement of 280 dwellings per year (Appendix 3). The proposal will help meet this housing shortfall. Moreover, Core Strategy policy DMG2 states that within the open countryside and AONB new development should be accommodated through the re-use of existing buildings where possible.

#### Limited contribution to the character of the AONB landscape / character of the area

- 5.13 The building to be converted is not isolated in the landscape but is instead sandwiched between part of an existing group of converted buildings to the west and a two storey detached dwelling to the east. There is also extensive tree planting to the north and east of the site. Those views which do exist show the existing building in the context of the adjacent built development, which includes housing and existing residential curtilages.
- 5.14 It is also clear from the Council's first reason for refusal and their pre-application response that they consider the existing building to have no visual merit. One of the adjacent houses is also a two storey dwelling built in the 1950s/60s (Bonna Vista) which does not reflect the character of the area.



5.15 The site and existing building do not currently contribute to the character of the AONB landscape or locality.

Enhancement to immediate setting

5.16 The building is permanent and structurally sound, which has not been disputed by the Council, and given the 1<sup>st</sup> reason for refusal the Council clearly do not consider the current building to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, features and building materials.

5.17 The proposals would alter the appearance of the building so that it better reflects the character of the area and the adjacent converted farmstead. In this respect:

- The existing concrete blockwork is to have natural stone facings, carefully chosen to match the neighbouring converted farmstead buildings. The existing roof will also be stripped and replaced with natural blue/grey slates to match adjacent farm buildings. These materials are more traditional and reflective of the locality and neighbouring converted farmstead than the current building materials.
- The existing protruding gable on the southern elevation will be removed to create a simpler roof shape reflective of the neighbouring converted farm buildings.
- The new window and door openings are kept reasonably small and random in size and location. New window and door openings will also comprise natural stone heads and cills to reflect the neighbouring converted buildings.

5.18 The scheme also proposes:

- To reduce the scale and mass of the building, whilst retaining its simplistic rectangular shape. Just over 5 metres of the western end of the building is to be demolished which together with the removal of the projecting gable reduces the overall footprint by 61m<sup>2</sup> (approximately 21% reduction) and volume by 221m<sup>3</sup> (approximately 20% reduction).
- Provide indigenous planting along site boundaries which would provide further screening of the existing development from localised vantage points.



### Presumption in favour of sustainable development

- 5.19 NPPF 187 confirms that LPAs should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. As highlighted the residential conversion of redundant buildings is acknowledged in both the NPPF and CS as a sustainable form of development in so far as it maximises the use of existing resources, reduces pressure for new build development, delivers rural housing and avoids buildings falling into a dilapidated condition. The site and building do not currently contribute towards the character of the AONB Landscape / area and the proposals would secure some enhancement to the immediate setting. The proposals wouldn't have any greater impact on the character of the AONB / locality than typical residential barn conversions. Under these circumstances, the re-use of a permanent building which is structurally sound comprises sustainable development, irrespective of whether it is deemed worthy of retention. There is nothing in NPPF stating that buildings must be worthy of retention to be suitable for reuse and it is relevant to note that policy DMH4 relates to all barn conversions, not just those in the AONB.
- 5.20 All of the above represent material considerations which together outweigh any perceived conflict with Core Strategy policy DMH4, part 2, criterion 3. The Council's first reason for refusal is therefore considered unsound and the residential conversion of the subject property is acceptable in principle.

### **Design, External Appearance and Residential curtilage**

- 5.21 The Council's second and third stated reasons for refusal both suggest conflict with CS Key Statement EN2 and policies DMG1, DMG2 and DMH4.
- 5.22 The middle section of *Key Statement EN2 'Landscape'* states that the landscape and character of those areas that contribute to the setting and character of the AONB will be protected and conserved and wherever possible enhanced. The fact that the first reason for refusal relates to the existing building not being deemed worthy of retention indicates that the Council do not consider the existing building / site to have any intrinsic interest or to have any contribution to its setting. Furthermore, the site comprises an existing building sandwiched between adjacent residential development and is well screened by existing landscaping. Consequently, this element of Key Statement EN2 is not considered relevant in so far as it refers to protecting those areas





that currently contribute to the setting and character of the ANOB. It is acknowledged that the remainder of the policy is relevant as this refers to all development in the AONB needing to contribute to the conservation of the natural beauty of the area and be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and buildings materials.

5.23 *DMG1 'General Considerations'* contains a number of criteria for new development, most of which are not relevant to these reasons for refusal. It is assumed that the Council are referring to the section on 'Design' and in particular:

- Criterion 2, which requires development to be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.
- Criterion 3, which states that consideration should be given to the density, layout and relationship between buildings, with particular emphasis on visual appearance and the relationship to surroundings, including impact on landscape character.

5.24 *Policy DMG2 'Strategic Considerations'* permits the re-use of existing buildings in the countryside and AONB but refers to all development in the AONB needing to protect, conserve and enhance the character of the area and to be in keeping with the character of the landscape, whilst acknowledging the special qualities of the AONB by virtue of its size, design, use of material, landscaping and siting.

5.25 *Policy DMH4* contains a number of requirements relating to the residential conversion of barns and buildings anywhere within the borough, most of which are not relevant to these two specific reasons for refusal. It is assumed that the Council are referring to the following two criteria in part 1 of the policy:

- Criterion 3, which requires there to be no materially damaging effect on the landscape qualities of the area or harm to nature conservation interests;
- Criterion 5, which requires proposals to be consistent with the conservation of the natural beauty of the area;



- 5.26 Ultimately none of these policies preclude the residential conversion of existing buildings in the open countryside and AONB, which as highlighted are acceptable in principle. Instead the policies place general requirements for development to respect the character of the area and AONB Landscape.
- 5.27 Whilst the proposed conversion will change the character of the building / site due to it becoming a residential property, this is applicable to any residential barn conversion and conversions are an acceptable form of development within the open countryside and AONB. As already highlighted it is evident from NPPF and the Government's amendments to the General Permitted Development Order (GDPO) that the appropriate residential conversion of vacant buildings is to be supported as a means of maximising the use of existing resources and assisting the delivery of rural housing.
- 5.28 Accordingly, the fact that the proposal will change the character of the site to residential does not automatically mean that the proposal would have an unacceptable impact on the character, appearance and visual amenities of the area and AONB. If this were the case then all residential conversions would be deemed unacceptable, which clearly isn't the policy position. The issue is whether the conversion scheme is sympathetically designed to minimise any impact on the character of the AONB Landscape and locality.
- 5.29 Prior to the submission of the application the applicant sought to liaise with Council officers regarding the proposed design. The impression given by Council officers was that that they were unprepared to consider whether the form and general design of the conversion was in keeping with the surroundings, as in their opinion the proposal was not acceptable in principle due to the building not being worthy of retention. Their starting position appears to be that if the building is not worthy of retention then any residential conversion would represent an incongruous, discordant and unsympathetic form of development, contrary to the aforementioned policies.
- 5.30 In the subsequent decision notice the Council's third reason for refusal suggests that there would be an unacceptable impact due to the extent of the residential curtilage, driveway and likely visual impact of domestic paraphernalia such as sheds, washing lines, children's play equipment, which they suggest represents a suburban visual encroachment into the area. These matters are addressed in turn:



- *Residential curtilage.* The proposed residential curtilage is modest, with the eastern boundary fence being relocated to create a smaller curtilage area. The proposed curtilage is also in keeping with the residential curtilage to the adjacent houses to the west and north east.
- *Driveway.* The integral garaging has been sited to the east of the building to bring it closer to the access point thereby enabling the driveway area to be kept small. It only provides sufficient space for car parking and turning in line with Council parking standards. Furthermore, being primarily located to the north of the converted building, close to existing landscaping, views of this driveway area are localised and limited.
- *Sheds.* By incorporating an integral double garage within the building, the scheme removes future pressure for sheds and detached garages. A condition can also be added removing any permitted development rights for the erection of curtilage buildings.
- *Washing lines and children's play equipment.* The proposal includes the creation of an external amenity space which will be screened from view by the converted barn to the east, the existing boundary wall to the west and a proposed stone wall to the south which will be sited in the same location as the existing southern wall to the agricultural building (the existing building is being reduced in scale to create this screened external amenity space). This is in addition to the existing and proposed wider screening of the site, which is highlighted later. Consequently, whilst any barn conversion has the potential for washing lines and children's play equipment, this scheme has been sensitively designed to reduce any potential impact.
- *Fence lines.* The northern boundary will be defined by the existing hedgerow which is being retained, whilst the western boundary will be defined by the existing block wall. The fence defining the southern boundary is an existing fence which is being retained and the fence along the eastern boundary is effectively the relocation of the existing fence, made necessary due to the curtilage around the building being made smaller (see earlier point). Accordingly, the proposed boundary / fence lines are essentially the same as what already exists. However, the appellant does propose to plant indicative



hedgerows along the southern and eastern boundaries which will be beneficial both in terms of landscape character and biodiversity. Nevertheless, should the Inspector consider an alternative form of boundary treatment to be appropriate a condition could be applied requiring details of boundary treatments to be submitted and approved.

5.31 The Council's second reason for refusal suggests that the design and external appearance of the proposed dwelling does not reflect local distinctiveness, vernacular style or features. There are no extensions proposed to the existing building and the external alterations are in effect limited to:

- Removal of the existing protruding gable and a reduction in the scale/mass of the building, which would better reflect the character of the locality.
- The walls are to have natural stone facings, carefully chosen to match the neighbouring converted farmstead buildings. The existing roof will also be stripped and replaced with natural blue/grey slates to match adjacent farm buildings. These materials are more traditional and reflective of the locality and neighbouring converted farmstead than the current building materials.
- New openings have been kept reasonably small and random in size, reflective of typical barn conversions. Door / window frames and fascias/soffits are also to comprise painted timber, whilst heads and cills are to be reclaimed natural stone. The integral garage doors are to have the appearance of barn doors.
- There are no added porches or peripheral details, with the form of the building kept as simple as possible.

5.32 It is therefore considered that the proposal has been sensitively designed and would not have any greater impact on the character of the AONB Landscape or locality than typical residential barn conversions. Instead the proposed materials and removal of the protruding gable would better reflect local distinctiveness than the existing building. The Council's second and third reasons for refusal are therefore unsound and there is no conflict with the policies referred to therein.



## **Extent of Demolition and Alterations**

- 5.33 The Council's final reason for refusal states that the works, extent of demolition and alterations proposed go beyond that which is considered reasonable to be classed as solely conversion works and cumulatively constitute major alterations contrary to policy DMH4 of the Core Strategy.
- 5.34 It is assumed that the Council are referring to condition 1 in the second part of policy DMH4, which states that the building is to be structurally sound and capable of conversion for the proposed use without the need for extensive building or major alteration which would adversely affect the character or appearance of the building.
- 5.35 Firstly, nowhere in this criterion or policy does it state that a scheme must be classed 'as solely conversion works' to be acceptable. The criterion itself only precludes extensive building or major alterations which would "*adversely affect the character or appearance of the building*". This suggests that extensive building and major alterations are acceptable if they don't adversely affect the character or appearance of a building. Bearing in mind that the Council consider the existing building to have no visual merit or traditional features worthy of retention, the proposed works cannot reasonably be considered to adversely affect the character and appearance of the building.
- 5.36 Secondly, the policy refers to extensive building or major alterations in the context of the building being structurally sound and capable of conversion. There are no extensions proposed and the proposed demolition, natural stone facings and replaced roof materials are benefits to make the proposals more in keeping with local distinctiveness. They do not comprise extensive building or major alterations needed to make the building structurally sound and capable of conversion.
- 5.37 Thirdly, the majority of the proposed works would lead to an enhancement to the locality, which is a material consideration in any event.
- 5.38 This reason for refusal is therefore considered unsound and there is no conflict with this element of policy DMH4.



## Conclusion

- 5.39 NPPF 187 confirms that LPAs should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. The residential conversion of redundant buildings is acknowledged in both the NPPF and CS as a sustainable form of development in so far as it maximises the use of existing resources, reduces pressure for new build development, delivers rural housing and avoids buildings falling into a dilapidated condition. There is nothing in the NPPF to suggest residential barn conversions are unacceptable in an AONB and the Core Strategy specifically states that they are acceptable in principle. Moreover it encourages the re-use of buildings in the AONB to help reduce pressure on new build. There is also nothing in the NPPF to state that buildings must be worthy of retention to be suitable for reuse and given that Core Strategy policy DMH4 relates to all barn conversions, not just those in the AONB, it is clearly more onerous than National Policy. This is particularly the case given the amendments to the GDPO permitting the residential conversion of agricultural barns without the need for planning permission.
- 5.40 Ultimately the site and building do not currently contribute towards the character of the AONB Landscape / area and the proposals would secure some enhancement to the immediate setting. The proposals wouldn't have any greater impact on the character of the AONB / locality than typical residential barn conversions. Under these circumstances, the re-use of this permanent and structurally sound building comprises sustainable development, irrespective of whether it is deemed worthy of retention. This is especially the case given that it will help deliver rural housing at a time when the Council have only delivered 65% of the Borough's housing requirement since the start of the Core Strategy.
- 5.41 These material considerations and other policy objectives must be balanced against any perceived conflict with Core Strategy policy DMH4, part 2, criterion 3 and it is considered that the balance of weight falls in favour of allowing a suitable residential conversion of the existing building. The Council's first reason for refusal, i.e. that the building is not worthy of retention, is therefore unsound and the residential conversion of the subject property is acceptable in principle.



5.42 The proposal has also been sensitively designed in so far as.

- It does not involve any extensions to the existing building and would in fact reduce the amount of built development on site.
- The residential curtilage is kept to a minimum and the proposal would create a well screened external amenity space to the west of the building to further limit the impact in terms of domestication.
- The provision of an integral double garage within the existing building avoids pressure for detached garages and sheds.
- Boundary treatments essentially remain unchanged, although indigenous hedgerow planting is proposed.
- Openings are kept to a minimum and of a size and style which is common for barn conversions of this nature. There are no added porches or peripheral detail, with the building kept as simply as possible.
- Appropriate materials reflecting the character of the area are proposed. Indeed the proposed materials are more in keeping with the character of the area than the existing materials.

5.43 On balance, it is therefore considered that the proposal would not have an unacceptable impact on the AONB Landscape or character of the area and would in fact contribute towards some enhancement of the immediate setting. The proposal also complies with other relevant development plan policies relating to matters such as access, biodiversity, flood risk, preserving the amenities and privacy of neighbours, car parking, infrastructure, impact on trees and hedgerows etc. The Council's second and third reasons for refusal are therefore unsound.

5.44 As to the Council's final reason for refusal, nowhere in policy DMH4 does it state that a scheme must be classed 'as solely conversion works' to be acceptable. Instead the policy indicates that extensive building and major alterations are acceptable so long as they don't adversely affect the character or appearance of a building. Bearing in mind that the Council consider the existing building to have no visual merit or traditional features worthy of retention, the proposed works cannot reasonably be considered to



adversely affect the character / appearance of the building. The policy criterion is also written in the context of the building needing to be structurally sound and capable of conversion. There are no extensions proposed and the majority of the proposed alterations are benefits to make the proposals more in keeping with local distinctiveness. They do not comprise extensive building or major alterations needed to make the building structurally sound and capable of conversion. Proposed works leading to an enhancement to the locality would be justified as a material consideration in any event.

- 5.45 Taking all matters into account it is considered that the application proposals represent appropriate development and the Council's reasons for refusal were unsound. Planning permission ought therefore to have been granted.





# Appendix 1

## Alexis De Pol

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**From:** Rachel Horton <Rachel.Horton@ribblevalley.gov.uk>  
**Sent:** 21 December 2016 17:07  
**To:** Alexis De Pol  
**Subject:** RE: Pre-App Enquiry - RV/2016/ENQ/00175 - Countess Hey

Alexis

Having discussed the proposal in some detail with my manager Robert Major I can advise that the first reason for refusal i.e that the building is not worthy of retention will still be a reason for refusal if the application is re-submitted.

You queried as to whether the Authority would still refuse the application if a more appropriate design i.e barn like appearance was considered. As discussed on site I do not dispute that the revised design and appearance of the building is an improvement upon the original scheme insofar as visual harm upon the landscape, however in our opinion the revised scheme as proposed would still result in the appearance of a overtly domesticated large bungalow the principle of which is not supported within this location.

Even with slight modifications i.e the removal of the pitched roof possibly and removal of openings the principle of the scheme is not acceptable. Therefore for the Authority to then advise how it should be designed to receive support in landscape terms would undermine the fact that the principle is not acceptable. The proposal relates to a concrete blockwork building which has no visual merit or traditional features to warrant retention and any alterations or modern materials would still result in the appearance of what would appear to be a modern bungalow.

In short, the authority would still refuse the refusal on two counts, the first that the principle is not acceptable as the building is not worthy of retention and secondly that the building as a result of the works would be detrimental to the character and appearance of the area.

You advised that you may appeal the initial application (3/2016/0437) and substitute plans which you consider to be more acceptable. This would however be at the discretion of the Planning Inspectorate and I therefore cannot guarantee that this would be a viable option.

I trust that the above has answered your enquiry and stress that my comments represent officer opinion only, at the time of writing, without prejudice to the final determination of any application submitted.

Kind Regards

Rachel Horton  
Pre-Planning Advice Officer

**Rachel Horton** – Pre-Planning Advice Officer

**Ribble Valley Borough Council, Council Offices,**  
**Church Walk, Clitheroe, Lancashire BB7 2RA**  
**Tel: 01200 414501 | Fax: 01200 414487**  
**E-mail: [rachel.horton@ribblevalley.gov.uk](mailto:rachel.horton@ribblevalley.gov.uk)**  
**Web: [www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)**

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**From:** Alexis De Pol [<mailto:alexis@depol.co.uk>]  
**Sent:** 21 December 2016 09:59  
**To:** Rachel Horton  
**Subject:** RE: Pre-App Enquiry - RV/2016/ENQ/00175 - Countess Hey



## Appendix 2



Department for  
Communities and  
Local Government

# Greater flexibilities for change of use

Report on responses to the consultation

- reuse as banks and building societies could reduce the potential for valued buildings which are at risk as they remain empty or underused to be regenerated.

The government has therefore decided that the new permitted development rights should apply to listed buildings.

## Re-use of agricultural buildings for a dwelling house

### Question 3

Do you agree there should be permitted development rights, as proposed, for existing buildings used for agricultural purposes to change use to a dwelling house (C3) and to carry out building work connected with the change of use?

18. Of the 654 people who responded on this issue some 47 % were supportive. Many farmers and other individuals in rural areas were supportive of the measure, welcoming the opportunity it offered to bring forward additional homes for rural communities and make best use of existing agricultural buildings.
19. There was a recognition that planning permission can be difficult to obtain in many rural areas, despite the demand for homes for families who want to live and work in their local communities. Many individual farmers highlighted the need to provide accommodation for workers and family members to sustain their agricultural business
20. There was support for a prior approval to ensure the location, siting and design of any conversion would be appropriate in the surrounding landscape, as well as considering other impacts such as transport and flooding.
21. Other issues raised included:
- a call for greater flexibility over the size of units that could be produced;
  - that allowing demolition may result in the loss of architecturally valuable buildings and their replacement with homes that were out of character with the area;
  - whether there should be provision for a small garden around the building;
  - homes delivered through this permitted development right should be should be for local people;
  - that the interests of the tenant farmer and landowner needed to be balanced so as not to undermine successful businesses;
  - that the prior approval would need to guard against development in unsustainable locations and manage the impact on habitats and species.
22. The consultation document proposed that this right should apply to Article 1 (5) land, protected areas, which includes National Parks, the Broads, Areas of Outstanding Natural Beauty, conservations areas and World Heritage Sites. This proposal attracted strong views, particularly in regard to National Parks and Areas of Outstanding Natural Beauty, where there was concern that it would be difficult to preserve the unique and special character of such areas if this right

was introduced. However there was also recognition that some local planning authorities could take an overly restrictive approach to conversions of buildings. It was suggested that while these areas had protected status there was a duty to ensure the local planning authorities supported the growth of viable communities by providing sufficient affordable homes.

23. The government wishes to ensure protected landscapes are also growing communities. While it has decided at this time that Article 1 (5) land should be excluded from this permitted development use, the government expects National Parks and other local planning authorities in protected areas to take a positive and proactive approach to sustainable development, balancing the protection of the landscape with the social and economic wellbeing of the area. These areas are living communities whose young people and families need access to housing if their communities are to grow and prosper.
24. The government considers that the prior approval with regard to siting and design provides sufficient safeguards to ensure that development only takes place in sustainable locations and any physical works are appropriate to the surrounding area. To further ensure historic barns are not lost it has also decided not to allow total demolition and new build, although limited physical alterations necessary to enable the change of use will be permitted. Recognising that many agricultural units may be substantial in size the regulation will allow up to three dwellinghouses to be created, within a total maximum size of 450 m<sup>2</sup> on an agricultural unit. This will better support sympathetic conversion and maximise the flexibility of this new right.
25. Some responses to the consultation were concerned about the impact on habitats and species, particularly bats. All changes under permitted development are required to meet necessary habitats and environmental legislation and regulations, and the government considers that this offers the necessary protections.

## Supporting working families to find childcare

### **Question 4**

Do you agree that there should be permitted development rights, as proposed, to allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change use to nurseries providing childcare and to carry out building work connected with the change of use?

26. Of the 523 responses, 68% agreed the proposed rights would help increase the provision of quality childcare to help working families. It was recognised as a logical extension of the permitted development right for change of use to a state funded school introduced in May 2013.
27. Points raised included
- the potential benefit of bring more childcare in to employment areas;
  - town centre locations making drop off and collection easier;



## Appendix 3

# HOUSING LAND AVAILABILITY SCHEDULE

OCTOBER 2016



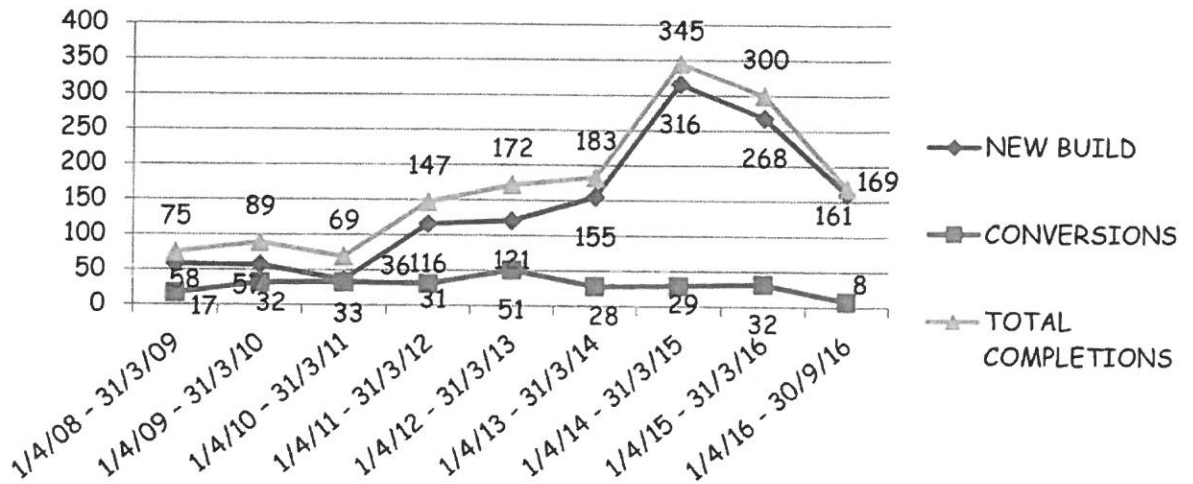
Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)



1. This table and graph show the recent build rates from 1 April 2008 to 30 September 2016 and are split between new build and conversions.

| COMPLETIONS                      | NEW BUILD | CONVERSIONS<br>CHANGE OF USE | TOTAL<br>COMPLETIONS |
|----------------------------------|-----------|------------------------------|----------------------|
| 1 April 2008 - 31 March 2009     | 58        | 17                           | 75                   |
| 1 April 2009 - 31 March 2010     | 57        | 32                           | 89                   |
| 1 April 2010 - 31 March 2011     | 36        | 33                           | 69                   |
| 1 April 2011 - 31 March 2012     | 116       | 31                           | 147                  |
| 1 April 2012 - 31 March 2013     | 121       | 51                           | 172                  |
| 1 April 2013 - 31 March 2014     | 155       | 28                           | 183                  |
| 1 April 2014 - 31 March 2015     | 316       | 29                           | 345                  |
| 1 April 2015 - 31 March 2016     | 268       | 32                           | 300                  |
| 1 April 2016 - 30 September 2016 | 161       | 8                            | 169                  |



2. This table and graph show the number of completions since 1 April 2008 to 30 September 2016 on brownfield and greenfield sites

| BROWNFIELD/GREENFIELD COMPLETIONS |            |            |       |
|-----------------------------------|------------|------------|-------|
| YEAR                              | BROWNFIELD | GREENFIELD | TOTAL |
| 1/4/08 - 31/3/09                  | 65         | 10         | 75    |
| 1/4/09 - 31/3/10                  | 76         | 13         | 89    |
| 1/4/10 - 31/3/11                  | 64         | 5          | 69    |
| 1/4/11 - 30/3/12                  | 144        | 3          | 147   |
| 1/4/12 - 31/3/13                  | 140        | 32         | 172   |
| 1/4/13 - 31/3/14                  | 105        | 78         | 183   |
| 1/4/14 - 31/3/15                  | 114        | 231        | 345   |
| 1/4/15 - 31/3/16                  | 118        | 182        | 300   |
| 1/4/16 - 30/9/16                  | 52         | 117        | 169   |

