

DANIELS FARM, PRESTON ROAD, ALSTON, PR3 3BL

Outline application for a residential development of 3no.
dwellings following demolition of agricultural buildings

APPEAL STATEMENT

JANUARY 2019

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/1 INTRODUCTION

- 1.1. PWA Planning is retained by Mr. Neil Forshaw ('the Appellant') to lodge an appeal against the refusal of planning permission reference 3/2018/0915 by Ribble Valley Borough Council (the LPA) for a development on land at Daniels Farm, Preston Road, Alston, PR3 3BL ('the application site') with the following description:

"Application for outline planning permission with some matters reserved for a residential development of 3 dwellings, following demolition of agricultural buildings including access."

- 1.2. The application for outline planning permission was submitted to Ribble Valley Borough Council on 3rd October 2018 and was accompanied by appropriate plans and supporting information. The application was subsequently refused on 27th November 2018.
- 1.3. The application site comprises three agricultural buildings and associated areas of hardstanding which form part of an existing farmstead. The site lies within the open countryside. The proposed development is for the erection of 3no. dwellings following the demolition of the agricultural buildings.
- 1.4. The decision notice is provided as Appendix 1 and there were three reasons for refusal. In brief, these relate to the LPA's view that the proposed development would lead to new dwellings within the open countryside without sufficient justification leading to sustainable development; that it would be detrimental to the character and appearance of open countryside and that it would set a harmful precedent for proposals outside of the settlement boundaries.
- 1.5. The reasons for refusal and the Appellant's rebuttal to these is explored in section 4 of this appeal statement.

/2 SITE DESCRIPTION

- 2.1. A full description of the site and the proposed development is provided in the submitted Planning Statement and supporting plans. A summary is provided below:

The Site

- 2.2. The application site comprises three agricultural buildings and associated hardstanding which form part of an existing farmstead at Daniels Farm, Alston. Two of the buildings are steel framed barns with concrete blocks and steel sheets, both used as cattle sheds and for agricultural storage. The other building to the east of the site is single storey and a more modern former feeding shed built from concrete blocks, which is also used for agricultural storage.
- 2.3. The site lies within an existing cluster of buildings off Preston Road (B6243), with three dwellings surrounding the site. The dwelling at Alston Fold Farm lies immediately to the west, outbuildings and a dwelling at The Barn are directly to the southeast and another dwelling at The Stables lies 30m southeast. Within Alston there are several other dwellings on either side of Preston Road, as well as a public house and restaurant. Agricultural fields and farmsteads are located within the wider vicinity, with Alston Dairy 275m to the southeast. Within 200m of the site off Preston Road are bus stops which provide regular bus services to Longridge, and Preston City Centre via Grimsargh.

The Proposed Development

- 2.4. The proposed development is for the erection of 3no. dwellings following demolition of the existing agricultural buildings on the site. The proposals would be located on existing areas of hardstanding. The existing access track to the farmstead would be utilised to provide access to the proposed dwellings.

- 2.5. As the application is submitted in outline, details of layout, landscaping, appearance and scale will be dealt with by a subsequent reserved matters application. Therefore, details regarding house types have not been submitted. An indicative layout of the proposals demonstrating how three 4-bed dwellings could be achieved on the site was provided with the application (ref. 3061 001).

/3 RELEVANT PLANNING POLICY

- 3.1. 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.
- 3.2. The statutory Development Plan for the application site comprises the Core Strategy 2008 – 2028 (Adopted December 2014). Consideration should also be given to the National Planning Policy Framework (NPPF), National Planning Policy Guidance, emerging planning policy and any supplementary planning guidance documents considered relevant to the proposed development.
- 3.3. Within the decision notice, the local planning authority has referred to the following policies which are accepted to be relevant for the purposes of the appeal proposals:
- **Key Statement DS1 – Development Strategy**
 - **Key Statement DS2 – Sustainable Development**
 - **Key Statement EN2 – Landscape**
 - **Policy DMG1 – General Considerations**
 - **Policy DMG2 – Strategic Considerations**
 - **Policy DMH3 – Dwellings in the Open Countryside and AONB**
- 3.4. The above policies are not rehearsed in full since these are set out clearly in the relevant documents which the Inspector has access to. In brief, Key Statement DS1 sets out the hierarchy for new housing development and where growth is to be focused whilst Key Statement DS2 reflects the presumption in favour of sustainable development set out within the NPPF. Key Statement EN2 states that development should be in keeping with *“the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials”*.

3.5. Policy DMG1 sets out the criteria relating to design, access, amenity, environment and infrastructure which aims to achieve quality development. Policy DMG2 states that 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. Policy DMH3 relates to dwellings within the Open Countryside and AONB and aims to avoid sporadic or visually harmful development.

3.6. Attention is drawn to the NPPF, where Paragraph 11 sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

/4 REASONS FOR REFUSAL AND CASE FOR THE APPELLANT

Reasons for Refusal

4.1. For reference, the reasons for refusal on the application for planning consent are as follows:

- 1) *"The proposed residential development of this site is contrary to Key Statements DS1 and DS2, as well as Policies DMG2 and DMH3, of the Ribble Valley Core Strategy. Approval of this application would lead to new dwellings within the open countryside without sufficient justification which would cause harm to the development strategy of the borough as set out in the Core Strategy, leading to unsustainable development.*
- 2) *The proposed residential development would be visible from public vantage points and would result in the introduction of built form and urban encroachment into the area to the detriment of the character and appearance of the defined open countryside. The scheme is thus considered detrimental to the visual amenities of the area which is contrary to Key Statement EN2, and Policies DMG1, DMG2 and DMH3 of the Ribble Valley Core Strategy, as well as national guidance contained within the National Planning Policy Framework.*
- 3) *The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals for residential developments outside the settlement boundaries without sufficient justification which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF."*

Case for the Appellant

New Dwellings within Open Countryside

- 4.2. Policy DS1 aims to avoid residential development outside of defined settlement boundaries, whilst Policy DMH3 aims to protect the open countryside from sporadic or visually harmful development. As set out in Policy DMH3, residential development is limited to certain criteria, which includes the allowance for:

2) *"The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. Buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction".*

- 4.3. The principle of converting the agricultural buildings on site is therefore supported through this policy and prior to submission of the planning application, this option was explored. The site location is considered suitable for new dwellings as the application site forms part of an existing cluster of dwellings, with three properties surrounding the site. The site also lies within the village of Alston and there are close links to the settlement of Longridge. A structural survey was undertaken to establish the structural nature of the dwellings (as provided in Appendix 2). This survey demonstrated that the buildings are in reasonable structural condition and suitable for conversion. It is therefore considered that conversion of the buildings would be acceptable in the context of DHM3 and that this represents a fall-back position for the applicant which should be taken into consideration in the determination of this appeal.

- 4.4. The conversion of the agricultural buildings on the site could be applied for via a planning application, or under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The permitted development option is a legitimate fall-back position for this proposal. As supported within the case of *"Mansell v Tonbridge And Malling Borough Council [2017] EWCA Civ 1314"* (Appendix 3) a Class Q development can be considered a fall-back position and may be a material planning consideration for an alternative development

scheme. Therefore, the principle of new dwellings on the site is established through the potential conversion of the buildings.

4.5. It is acknowledged that the proposed development does conflict with this policy as it is for the demolition of existing buildings and the build of new dwellings, not for a conversion. There are however material benefits to replacing the buildings rather than converting the existing, principally as it provides an opportunity to visually enhance the site. As demonstrated by the site photos in Appendix 4, the existing buildings are not considered to have any aesthetic merit and the proposal would facilitate significant improvements to the site. This would be of benefit to the surrounding area, in particular the neighbouring dwellings which in some cases lie adjacent to the existing farm buildings. Although the proposal is submitted in outline, it is the intention of the applicant to deliver houses on the site which are in keeping with the character of the site's surroundings. The proposals would create an attractive development that would reflect the site's setting and would result in a better-quality environment for the dwellings within close proximity. The proposal is therefore in accordance with Policy DMG2 which requires that development be *"in keeping with the character of the landscape and acknowledge the special qualities of the area"*.

4.6. As stated within Paragraph 79 of the NPPF, planning decisions should avoid the development of isolated homes in the countryside unless under certain criteria, including:

"c) the development would re-use redundant or disused buildings and enhance its immediate setting".

4.7. Although the site lies within the open countryside, the proposals are not considered to result in isolated new homes as the site lies within an existing cluster of dwellings within a village. As supported by the NPPF, the development would enhance the site and its immediate setting. Although the conversion of the existing buildings could be achieved, they have no aesthetic merit and also lie within close proximity to

neighbouring properties. The proposed development would therefore create a more attractive and high-quality development than through conversion of the buildings.

- 4.8. The fundamental aims of Policy DMH3 and DS1, is to protect the open countryside from sporadic or visually harmful development. The supporting text to Policy DMH3 also indicates that the policy is necessary to deliver *"both sustainable patterns of development and the overarching core strategy vision"*. The proposals would involve the build of new dwellings in place of large existing structures within an existing cluster of dwellings. It is therefore not considered that the proposals would result in sporadic development. The proposed development lies within a relatively sustainable location for residential development as there are strong transport links and easy access to local services within Longridge and Grimsargh. The site is located within close proximity to bus stops off Preston Road 200m to the southeast of the site where there are regular bus services to Longridge and Preston City Centre. It therefore can be considered that the proposal would not lead to sporadic and visually harmful development.
- 4.9. The proposed development would comply with Key Statement DS2 which states that proposals will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. The development would not result in isolated new homes, the proposal is entirely compatible with the neighbouring uses in the immediate surroundings and would contribute to market availability through delivering new homes. There are also clear environmental benefits through the clearance of the land and regenerating the site which at present contains unsightly and redundant buildings. The large gardens of the proposed dwellings would also have the potential to bring ecological gain to the site. The proposals are considered to represent sustainable development based on the guidelines set out within the NPPF.
- 4.10. Paragraph 78 of the NPPF also supports opportunities for villages to grow and thrive, especially where this will support local services, which the proposed development would achieve. It states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities...Where there are groups

of smaller settlements, development in one village may support services in a village nearby”.

- 4.11. The proposed development is therefore considered to comply with Key Statement DS2 and Policy DMG2. Although there are conflicts with DS1 and DMH3, it is considered that there are material considerations which outweigh this conflict, as set out in the planning balance of this section of the Appeal Statement.

Urban Encroachment

- 4.12. The second reason for refusal states that the proposals would be detrimental to the character and appearance of the open countryside. It is highlighted in the decision notice that the residential development would be visible from public vantage points and would result in the introduction of built form and urban encroachment into the area. The existing site is developed with areas of hardstanding surrounding three agricultural buildings. The proposals would involve removal of unattractive buildings that their replacement with dwellings of a high quality therefore leading to an enhancement of the site. The agricultural buildings at present are large structures and the proposed development for three dwellings would see a reduction in the amount of built form on the site.
- 4.13. As shown within Appendix 4, the site lies within close proximity to three dwellings, Alston Fold Farm, The Barn and The Stables, as well as associated outbuildings. At present the large barn to the west adjoins the dwelling at Alston Fold Farm and the agricultural building to the east adjoins the dwelling at the Barn. There are clear views from neighbouring properties of the agricultural buildings. The proposals would have benefits through ensuring greater separation distances between neighbouring properties and built form on the site, as well as creating a more attractive environment for the nearby properties. Therefore, it is considered that the proposals would improve the site, in accordance with Key Statement EN2, Policy DMG1 and Policy DMG2.
- 4.14. The site lies in close proximity to the settlement of Longridge. A residential development was granted approval in September 2017 for 275 dwellings within close

proximity to the site on Land west of Preston Road, Longridge (ref. 3/2016/0974). A subsequent Reserved Matters planning application for 256 dwellings was granted approval in May 2018 (ref. 3/2018/0105). The Location Plan and Planning Layout submitted with the Reserved Matters application is shown in Appendix 5. This development would essentially represent an extension to the settlement and its delivery would result in the application site being 250m from the settlement boundary.

- 4.15. This above application would result in the nature of the surrounding environment of the site to change with the site having a stronger relationship to the settlement compared to existing. As mentioned previously, Policy DMH3 aims to protect the open countryside from sporadic or visually harmful development. Although there is conflict with this policy through the provision of new buildings rather than conversions, it is considered that due to the existing built form on site, the three dwellings surrounding the site and the relationship with the settlement of Longridge, it is not considered that the proposals would lead to urban encroachment detrimental to the character of the open countryside.

Harmful Precedent for Similar Proposals

- 4.16. In relation to the third reason for refusal, it is considered that each planning application should be determined on their own individual merits. In terms of precedence, proposals should be considered with regards to the unique context of the site. The proposed development would involve the demolition of existing buildings and the erection of 3no. new dwellings, resulting in a sustainable development. The circumstances of other sites within the local area are likely to be different. Therefore, permitting this development would not lead to a harmful precedent within the area.

Planning Balance

- 4.17. It is acknowledged that there is some conflict with Policies DS1 and DMH3 in terms of the new build nature of the development. However, it is considered that there are important mitigating circumstances and material considerations which have the potential to outweigh this conflict.

- 4.18. The proposed development would provide a valuable contribution to Ribble Valley's housing supply through the contribution of 3no. new homes for the borough. It is considered that Ribble Valley Council cannot robustly demonstrate a five-year housing land supply. This was stated by the Inspector who dealt with the planning application at Higher Road (ref. APP/T2350/W/17/3186969) (Appendix 6) on 22nd May 2018 who stated within their report that Ribble Valley Borough Council can only demonstrate a 4.5year housing supply using a 20% buffer, as well as highlighting a record of under-delivery within the borough.
- 4.19. Ribble Valley Council subsequently released a "5 Yr Supply Statement" published in November 2018 (Appendix 7) which sets out that the current position of the Council is they can demonstrate a 6.1years supply, using a 5% buffer. It is the appellant's view that Ribble Valley Borough Council still cannot robustly demonstrate a five-year housing land supply. Paragraph 11 of the NPPF is clear that where policies which are most important for determining the application are out of date, which includes where a local planning authority cannot demonstrate a 5yr HLS, the tilted balance is engaged whereby planning permission should be granted unless any adverse impacts in doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is considered that the proposed development does constitute sustainable development and that there are no technical or environmental constraints which would preclude development.
- 4.20. Weighing in favour of the proposed development are the clear benefits of the scheme, through the replacement of the existing agricultural buildings and visually enhancing the site, creating an attractive environment which would reflect the character of the surrounding area, complying with Key Statement EN2 and policies DMG1, DMG2 and DMH3.
- 4.21. Due to the nature of the site within an existing cluster of dwellings and with close links to the settlement of Longridge, the proposals would not result in sporadic development. The proposed development is considered to represent a sustainable

residential development within the open countryside, in accordance within Key Statement DS2.

- 4.22. The fact that the existing buildings could be converted under Class Q or via a planning application should be afforded significant weight as a legitimate fall-back position. The fact that the replacement of the existing buildings with new buildings would achieve a more attractive development than conversion should be considered as a benefit of the proposals which weighs in favour of the scheme.
- 4.23. As each development is to be accessed on its own merits, and there are also clear benefits to the proposal, it is not believed to result in a harmful precedent for other development.
- 4.24. Taking the above into consideration, it is the Appellant's view that the conflict with DMH3 and DS1 by virtue of new dwellings in the countryside are outweighed by the fall-back position of the potential conversion of the buildings, the improvements that would be afforded to the site and the surrounding area through the delivery of a more attractive layout and design and the provision of new market dwellings at a time when the LPA cannot demonstrate a 5 year housing land supply. It is not considered that the proposals would be harmful to the countryside and nor would they result in an unsustainable development.
- 4.25. In line with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise, it is considered that in this instance there are significant material considerations which outweigh the conflict with the Development Plan and as such this appeal should be allowed.

/5 CONDITIONS

5.1. Government advice on the imposition of conditions in planning permissions is to be found in NPPF Paragraph 55 and expanded upon in PPG: Use of Planning Conditions. The guidance states that conditions should only be imposed where they are:

- Necessary.
- Relevant to planning.
- Relevant to the development to be permitted.
- Enforceable.
- Precise.
- Reasonable in all other respects.

5.2. Details with regards to appearance, landscaping, layout and scale and will be dealt with as part of a Reserved Matters submission. It is therefore anticipated that an appropriately worded condition(s) will be required in this respect.

/6 CONCLUSION

- 6.1. 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.
- 6.2. There are important mitigating circumstances and material considerations of the proposed development that outweigh the conflict with Key Statement DS1 and Policy DMH3, namely:
- The existing buildings could be converted via a Class Q application or planning application, which is a legitimate fall-back position;
 - The proposals would vastly improve the visual appearance of the site, whilst reflecting the character of the surrounding area;
 - It would result in a sustainable housing development within the open countryside;
 - The proposed development would provide a valuable contribution towards Ribble Valley Borough Council's housing supply.
- 6.3. It is considered that in this instance these significant material considerations would outweigh the conflict with the Development Plan. In conclusion, the Inspector is respectfully requested to allow this appeal for the proposed development.



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