



WOLFEN LODGE, FISH HOUSE LANE, CHIPPING, PR3 2GR

Demolition of existing conservatory and erection of a single storey rear extension.

APPEAL STATEMENT

APRIL 2019



PWA Planning is a trading name of Paul Walton Associates Ltd.
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REPORT CONTROL

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/1 INTRODUCTION

- 1.1. PWA Planning is retained by Mr and Mrs Ballard ('the appellant') to lodge an appeal against the refusal of planning application reference **3/2018/1148** for '*Demolition of existing conservatory erection of a single storey rear extension*' at Wolfen Lodge, Fish House Lane, Chipping, PR3 2GR ('the site') by Ribble Valley Borough Council ('the Council').
- 1.2. This appeal statement, made under Section 78 of the Town and Country Planning Act 1990, has been prepared against the refusal. It should be read in conjunction with the other submitted documents and drawings that formed part of the original planning application.
- 1.3. The application site extends to approximately 0.6 hectares in size and is located to the north west of Fish House Lane. It is approximately 1km to the north west of Chipping and 10km north of Longridge. The site currently comprises of a dwelling which was approved for conversion from a barn in 1974 (planning application ref. 3/74/1077/PB). The dwelling is set within a large residential curtilage, seating area and pond to the rear of the dwelling. To the south lies buildings associated with Wolfen Mill. Some of these remain in use, whilst others are currently redundant. The site is surrounded to the north, west and east by agricultural land. To the east of the site is Chipping Brook which runs in a north to south direction.
- 1.4. The application for planning permission was submitted to the Council on 18th December 2018 and was accompanied by appropriate plans and supporting information. The application was subsequently refused on 18th February 2019.

/2 PLANNING HISTORY

- 2.1. A search of the Council's planning register has been carried out to understand the planning history relevant to the site and the proposed development.
- 2.2. The appeal at hand relates to planning application ref. 3/2018/1148, which was refused consent on the 18th February 2019. Details of the full planning history of the site are provided in Paragraphs 2.5 to 2.9 of the submitted Planning Statement. This includes details of the pre-application discussions that have taken place with the Council. With respect to the history of the site, attention is also drawn to Appendix A of the Planning Statement which illustrates the 1974 conversion from a barn to the dwelling, and the extent of work involved in this conversion through some of plans associated with the submission and photos of the work being undertaken. As is clear from the provided photos, large elements of existing walls and features were either removed or rebuilt. It is maintained, as discussed below, and supported by the submitted Heritage Statement to the planning application, that the building is largely altered, and has been domesticated to a degree that its historic features of an agricultural barn have been lost.
- 2.3. Finally, during the determination of the application subject of the appeal, further changes were made to the development by the appellant in order to harness support from the Council and avoid a need for an appeal. Details of these changes are included in the correspondence attached to Appendix A.
- 2.4. Throughout the whole planning process, including prior to submission, the appellant has actively sought to respond to the Council's concerns. The resulting scheme is as such thought to be well considered, and fully acceptable under the Council's Development Plan.

/3 CASE FOR THE APPELLANT

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: *"where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise"*.
- 3.2. The Development Plan for the application site comprises of the Ribble Valley Borough Council Core Strategy 2008-2028 and proposals map (1998). Key policy documents that comprise 'material considerations' include to the National Planning Policy Framework (NPPF) and any local supplementary planning guidance documents considered relevant to the proposal.

Reason for Refusal

- 3.3. One reason for refusal was included on the decision notice. It stated:
 1. *The proposed rear extension would detract from the character and appearance of this non-designated heritage asset by introducing an overly domestic extension to the rear elevation of the barn which would be detrimental to the visual amenity of the open countryside and AONB. The proposal is therefore considered to be contrary to Key Statements EN2 and EN5, and Policies DMG1, DMG2 and DME4 of the Ribble Valley Core Strategy, as well as national guidance contained within the National Planning Policy Framework.*

Case for the Appellant

- 3.4. Under the heading of 'Principle of Development' within the Officer's Report, the Council states that Policy DMH4 of the Core Strategy which relates to the conversion of barns to dwellings is still relevant, despite the conversion having already taken place (in 1974) and despite the work involved in the conversion and subsequent extensions that have eroded historical features. Given the policy is not included within the reason for refusal,

it is not clear why it remains relevant to the determination of the application or the appeal, and if anything, it's exclusion from the reason for refusal, could be acknowledgement and an acceptance that it no longer comprises the features of an agricultural barn.

- 3.5. In this respect, it is considered that Policy DMH5 which relates to residential extensions is more relevant to the determination of the extension. The policy states that '*proposals to extend or alter existing residential properties must accord with Policy DMG1 and any relevant designations within which the site is located*'. As such, in order to be found compliant with the Development Plan, as the Council have listed, the proposal must find compliance with Key Statements EN2 and EN5, as well as Policies DMG1, DMG2 and DME4.
- 3.6. As detailed within the Planning Statement that supported the application, EN2 relates to protecting the AONB from unacceptable development (see Paragraph 4.5 of the Planning Statement), EN5 and DME4 relate to protecting the Borough's heritage assets (see Paragraph 4.7 of the Planning Statement), whilst Policy DMG1 (Paragraph 4.9 of the Planning Statement) relates to general considerations, which in the case of the reason for refusal is inferred to mean design (therefore it appears that the Council consider the development compliant with the other criterion – access, amenity, environment, infrastructure, other), and finally Policy DMG2 relates strategic considerations (Paragraph 4.11 of the Planning Statement) taken to be the development's location within the AONB.
- 3.7. As is clear from the Planning Statement, PWA Planning considers the proposal compliant with all aspects of the aforementioned policies. However, the Council considered the proposal to over domesticate the property which bears little resemblance to the previous barn, and by virtue of the correspondence within Appendix A, the Council consider the massing and scale to be out of character.
- 3.8. In addressing these matters, a description of the proposed development is included within the Officer's Report. Whilst these details are not disputed, PWA Planning would like to draw the Inspector's attentions to Appendix A, which details the amount of glazing

of the conservatory to be removed (45.7 sqm), versus what is to be constructed (26.7 sqm). It is considered such matters should be at the forefront of any decision on the appeal, given the crux of the Council's argument is the over domestication likely to occur from the proposed development, when clearly a substantial amount of domestication already exists. A strong argument as such is presented that the proposal would lead to less domestication, and an extension better in keeping with the building and locality than the existing arrangement.

- 3.9. In this respect, the Council is aware of the permitted development rights available to the appellant. Some of the details are provided under the heading of 'Visual Amenity and External Appearance' of the Officer's Report. In order to help guide consideration of the proposed development, a plan has been produced to illustrate the dwelling with the existing extension, versus what is proposed through the use of permitted development rights, versus the proposed development. The plan is included in Appendix B, and the purpose is to help illustrate that the reduction in height by 1.6m and length in 1m would not make a material difference to the impact on the AONB or the existing dwelling. This is further pertinent when considered the rear elevation is not visible from public viewpoints, which are restricted to the eastern elevation from footpath 3-12-FP 110, and therefore any changes to the rear will be negligible when considering the wider AONB or character of the area. Furthermore, the application at hand assists in ensuring the Council maintain control over the dwelling despite the permitted development rights that are available to it.
- 3.10. When considering the likes of fall-back positions, and the opportunities available through permitted development rights in the consideration of applications, attention should be drawn to relevant case law. The weight to be attributed to the fallback should be determined in accordance with the legal principles set out in case law: R v Secretary of State for the Environment and Havering BC [1998] Env LR 189. This established 3 elements to the fallback test:

1. Whether there is a fallback (i.e. a lawful ability to undertake the development);

2. Whether there is a likelihood or real prospect of it occurring;
 3. And if so whether a comparison must be made between the proposed development and the fallback.
- 3.11. This test is referred to in the judgment in *Mansell v Tonbridge and Malling* [2016] EWHC 2832 (Admin) (subsequently upheld in the Court of Appeal). In this case, the appellants have illustrations prepared by an architect showing the alternative development that could be constructed using permitted development (PD) rights, in the same way as the applicant has for Wolfen Lodge. There is an alternative development which could be implemented as a fallback. The first strand of the above legal test is therefore met as demonstrated by the plans submitted with the application and acknowledged in the Officer's Report.
- 3.12. The second strand of the test relates to the prospect of the development being carried out. There can be no doubt that the appellants wish to increase the size and modernise the accommodation at Wolfen Lodge. This is demonstrated by the application and appeal itself. The permitted development option would not be the appellants first choice primarily because it does not offer the same opportunities, nevertheless, if the appellants are unable to obtain planning permission for the proposed development, they would without doubt extend the dwelling using permitted development rights to get as close as possible to the additional accommodation they require. This cannot be disregarded, or attributed little weight, without good reason. The second strand of the test relating to fallback is therefore met.
- 3.13. The third part of the test; the comparison between the proposed development and the fallback. In terms of size, the permitted development extensions would result in an extension that would be similar to what is proposed in this application and appeal as previously set out and therefore the third part of the test is also considered to be met.
- 3.14. Further to this, the Officer's Report states that agricultural buildings are characterised by a limited number of window and door openings. Subsequently, the same paragraph (also under the Visual Amenity and External Appearance heading) acknowledges that the

conversion to a dwelling has resulted in a number of additional window and door openings. The extent of these are documented within Appendix A of the Planning Statement and assessed within the Heritage Statement. The volume of changes, in the opinion of PWA Planning contribute to what already is an significantly domesticated property that has lost is heritage value.

3.15. Despite this acknowledgement, the same paragraph goes on to note the amount of glazed doors being out of character and the openings not reflecting the local vernacular or style. Without going over previous comments, the glazing proposed is less than existing, and as illustrated from Appendix B to this statement, the submission would be similar to the existing arrangement in terms of openings and looks to retain existing openings where possible (see inset from the extension width). It is therefore disputed, as listed in the subsequent paragraph of the Officer's Report that the extension would significantly detract from the character of the existing dwelling. This seems to ignore the amount of work that took place through the original conversion, the extent of extensions and additions to the property that have taken place, the removal of an even more domesticated conservatory extension and the fall-back position available to the appellant. In this respect, as part of the Officer's Reports concluding remarks, it is claimed that the property is 'unmistakably a former barn'. On the same reasons as above, this is also heavily disputed.

3.16. As such, this proposal is considered to deliver a sustainable form of development as is required by the NPPF. The scale of development and its context in relation to its location is considered acceptable and any harm would not be sufficient to significantly and demonstrably outweigh the benefits.

Other Matters

Landscape and Visual

3.17. The proposed development is considered to result in an enhancement to the existing dwelling with no harm to landscape and visual amenity. This is predominantly from the removal of the existing conservatory extension, and the delivery of a new well considered

and designed extension to the rear. The extension is not visible from the wider AONB, with the closest point of public view from footpath 3-12-FP 110 along the eastern elevation, meaning the changes to the rear extension will not be visible from public vantage points.

Residential Amenity

- 3.18. The development is not overlooked by any other properties in the area, the nearest neighbouring property is located 60 metres to the south east. Therefore, it is considered that the proposal will not result in harm to the residential amenity. It is noted that in the Officer's Report, the word 'not' is missing from the aforementioned sentence. Given amenity was not raised as a reason for refusal it is considered this is an error in the report.

Ecology and Biodiversity

- 3.19. The site is not subject to any ecological designations. The application was submitted with a bat survey, dated 29th November 2018, which concluded that there was evidence of roosting bats. During the planning application, the Council's Countryside Officer requested that a subsequent approval shall be completed in accordance with the mitigation details within the submitted bat survey. The proposal would not result in a loss of trees.

Conclusions

- 3.20. It is not considered that there are any technical considerations which would preclude the grant of planning permission for the proposed development.

/5 CONCLUSION

- 5.1. 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.
- 5.2. Planning permission was refused on the basis that the proposed extension is considered contrary to Key Statement EN2, EN5 and Policies DMG1, DMG2 and DME4 due to its scale, massing and impact on the non-designated heritage asset and the impact on the visual amenity of the open countryside and the Area of Outstanding Natural Beauty.
- 5.3. The case put forward by the appellant is that, contrary to the assertions of the Council, the proposed development would be a sympathetic addition to the property, with nominal impact on the non-designated heritage asset and the visual aspect of the setting of the AONB. Also, an extension of this style and size could be introduced within the setting of the AONB, as virtue of Class A, Part 1 of the GDPO 2015 (as amended).
- 5.4. Therefore, when taking the aforementioned arguments into account, it is considered that the proposed development is compliant with relevant Development Plan policies and that the Council were wrong to have refused to grant planning permission. The Inspector is therefore respectfully requested to uphold the appeal and to grant planning permission.

APPENDIX A: CORRESPONDENCE WITH THE COUNCIL DURING PLANNING

Daniel Hughes

From: Daniel Hughes
Sent: 14 February 2019 16:57
To: 'Rebecca Bowers'
Subject: RE: Planning Application Ref. 3/2018/1148

Hi Rebecca,

This is clearly disappointing given the changes we have made to the scheme following pre-application and during planning, which in our opinion results in a scheme that is an improvement on the existing domestication of the building.

I understand from your correspondence below, your resultant concern relates to the height of the extension from the existing rear wall? However, our understanding is that the provision of a catslide roof, in the manner illustrated is comparable to what you would expect on other similar buildings of this type in the area. Furthermore, should the height be dropped, it is considered a similar one storey rear extension could be provided across the full width of the property, at a much lower height, reduced slightly in length through permitted development, but with limited control from the authority over some of the details of the design. The proposal at hand ensures the Council retain some control over the development, through insertions and elevations.

I look forward to your thoughts,

Daniel Hughes MRTPI | Associate

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From: Rebecca Bowers <Rebecca.Bowers@ribblevalley.gov.uk>
Sent: 12 February 2019 15:21
To: Daniel Hughes <Daniel.Hughes@pwaplanning.co.uk>
Subject: RE: Planning Application Ref. 3/2018/1148

Hi Dan,

Further to my previous email I have now spoken with John.

Whilst I accept that you have introduced a timber element to the rear elevation that reduces the amount of glazing to this elevation, it does not alleviate the concerns I had expressed in my previous email and as such I will be recommending refusal.

Thanks

Rebecca Bowers – Assistant Planning Officer

Ribble Valley Borough Council, Council Offices,
Church Walk, Clitheroe, Lancashire BB7 2RA
Tel: 01200 414518 | Fax: 01200 414487
Web: www.ribblevalley.gov.uk

From: Daniel Hughes [<mailto:Daniel.Hughes@pwaplanning.co.uk>]
Sent: 11 February 2019 11:39
To: Rebecca Bowers
Subject: RE: Planning Application Ref. 3/2018/1148

Hi Rebecca,

Please accept this as an extension of time – I would welcome your thoughts before any decision is issued.

Thanks,

Daniel Hughes MRTPI | Associate
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From: Rebecca Bowers <Rebecca.Bowers@ribblevalley.gov.uk>
Sent: 11 February 2019 11:31
To: Daniel Hughes <Daniel.Hughes@pwaplanning.co.uk>
Subject: RE: Planning Application Ref. 3/2018/1148

Hi Dan,

Thanks for your email.

I do still have concerns with the revised proposal however I would like to discuss these concerns with John Macholc before a decision is issued.

Unfortunately he is on sick leave today and I am not sure when he will be returning, therefore please can I request an extension of time for Monday 18th February.

Thanks

Rebecca Bowers – Assistant Planning Officer

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Church Walk, Clitheroe, Lancashire BB7 2RA
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Web: www.ribblevalley.gov.uk

From: Daniel Hughes [<mailto:Daniel.Hughes@pwaplanning.co.uk>]
Sent: 07 February 2019 16:29
To: Rebecca Bowers
Subject: RE: Planning Application Ref. 3/2018/1148

Hi Rebecca,

Further to your email – please see the attached revised drawings. The elements on the eastern and southern elevation have been removed. I do not agree with your interpretation of the GPDO, however, I hope this helps in assessing the ‘domestication’ of the property. In particular, whilst the Council consider it a non-designated heritage

asset (you will note from our submission we believe there is little evidence remaining of the property to determine it as such), public views of it will be extremely limited, and if anything will be towards the eastern elevation, from the nearby footpath. Therefore based on the attached, the scheme will appear as it is currently. I trust this goes some way to alleviating concerns.

In terms of the proposed glazing, the existing sun lounge has a glazing area of 45.7sqm (excluding windows on the existing house). The proposal will have just 26.7sqm, we have incorporated sliding doors into the scheme to reduce the glazing effect – an approach accepted by the Council on planning application ref. 3/2018/0220 and 3/2018/0221 recently. The sliding solid time shutters can slide the full length of the glazed sliding doors.

Finally you will note we have amended the rear first floor level bathrooms so that more of the current exterior wall is retained. Again, as per previous correspondence and submitted drawings, a lot of this barn has been rebuilt and no longer retains evidence or existing material or features. This includes the rear wall, and windows indicated and agreed in discussion below.

I trust the above is helpful, however more than happy to discuss should you have further queries/questions.

Thanks,

Daniel Hughes MRTPI | Associate

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From: Rebecca Bowers <Rebecca.Bowers@ribblevalley.gov.uk>

Sent: 29 January 2019 10:22

To: Daniel Hughes <Daniel.Hughes@pwaplanning.co.uk>

Subject: RE: Planning Application Ref. 3/2018/1148

Good Morning Daniel,

I had read paragraph 3.3 prior to sending my email, it states that the development to the front elevation doesn't constitute development and therefore planning consent is not required.

Class A Part 1 Schedule 2 of the 2015 General Permitted Development Order details what development can be undertaken on a dwelling house without the need for planning permission, and this includes the enlargement, improvement or other alterations to the dwelling house. It is considered the alterations to the front of the property do constitute development. This view is supported by Section 55 (2a) of the 1990 Town and Country Planning Act which specifies that development is defined as the carrying out on maintenance, improvement or alterations of any building which materially affects its external appearance. As such, it is considered that the demolition of the front elevation of the porch and opening up of the existing porch/wc would materially affect the property and therefore planning consent would be required.

Paragraph 3.3 doesn't make reference to the French doors to the front of the property that are labelled to be reinstated. Having checked planning history I accepted that French doors have been in this position previously however what is proposed does not reflect the 'previous' French doors and therefore planning consent is required. Furthermore, the French doors have been removed and as such I give little weight in the consideration of this proposal.

When I was re checking the planning history I have noticed that the south elevation also proposes a similar alteration and as detailed above it is considered that this alteration constitutes development and would also requires planning consent.

The proposed alterations to the front of the property would commercialise the property and similar to the rear extension would detract from the character and appearance of the barn and therefore the south and east elevation also need to be amended and be included as part of the planning application or be removed from the proposal.

I had also read through paragraph 2.9 and Appendix A, I accept that the first floor windows on the barn are not an original feature, however the barn is still recognisable as an agricultural building and due to the local character and age of the building, it is considered to be a non-designated Heritage Asset (when considered against National Guidance) of historical interest. As such, the building still contributes to the rural nature of the area and the landscape character and it considered that the proposed rear extension would detract significantly from the character and appearance of the barn.

Please let me know your thoughts.

Rebecca Bowers – Assistant Planning Officer

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Church Walk, Clitheroe, Lancashire BB7 2RA
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Web: www.ribblevalley.gov.uk

From: Daniel Hughes [<mailto:Daniel.Hughes@pwaplanning.co.uk>]
Sent: 29 January 2019 08:43
To: Rebecca Bowers
Subject: RE: Planning Application Ref. 3/2018/1148

Hi Rebecca,

In addition to my other email – just to confirm, Paragraph 2.9 also describes how the submission responds to the pre-application comments. I would also welcome any comment on this too.

Thanks for the help,

Daniel Hughes MRTPI | Associate
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From: Rebecca Bowers <Rebecca.Bowers@ribblevalley.gov.uk>
Sent: 28 January 2019 16:31
To: Daniel Hughes <Daniel.Hughes@pwaplanning.co.uk>
Subject: RE: Planning Application Ref. 3/2018/1148

Good Afternoon Daniel,

Thanks for your email, I was going to contact you regarding this site as I do have concerns with the development.

The proposed drawings relate to alterations to the front elevation of property that aren't included as part of the development description, please can you confirm why these works are not included as part of the proposal?

Regarding the submitted development it is considered that the proposed extension is unacceptable and the application in its current form will be recommended for refusal. It is considered that the proposed development by virtue of its massing and design would result in an unsympathetic and incongruous addition which would detract significantly from the character and appearance of the barn and the visual amenities of the AONB. It is my opinion that the extension would look overtly domestic and this was an issue/concern specifically raised in the pre-app response.

I recommend that an amended plan be submitted reducing the height of the extension so that the development conserves the traditional features of the stone barn (first floor windows), this may result in a reduction in the rear projection. Additionally, I also recommend a reduction in the amount of glazing to the roof and removal of two sets of sliding doors on rear elevation of the extension.

Kind Regards

Rebecca Bowers – Assistant Planning Officer

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From: Daniel Hughes [<mailto:Daniel.Hughes@pwaplanning.co.uk>]

Sent: 28 January 2019 13:16

To: Rebecca Bowers

Subject: Planning Application Ref. 3/2018/1148

Hi Rebecca,

With reference to planning application ref. 3/2018/1148, please could you let me know if you have any initial comments/feedback on the application to date. I note it is due for decision on 12th February.

Thanks for the help,

Daniel Hughes MRTPI | Associate

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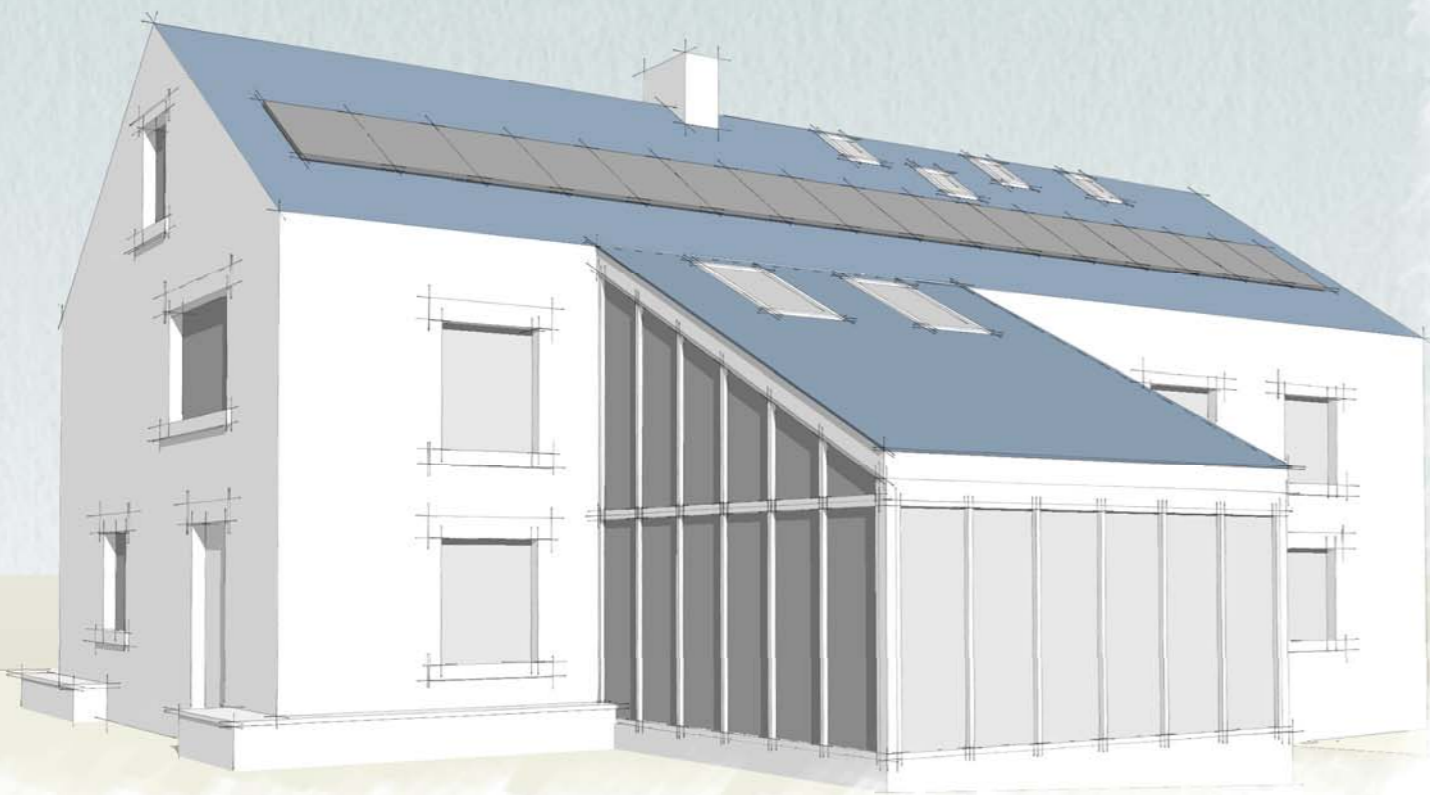
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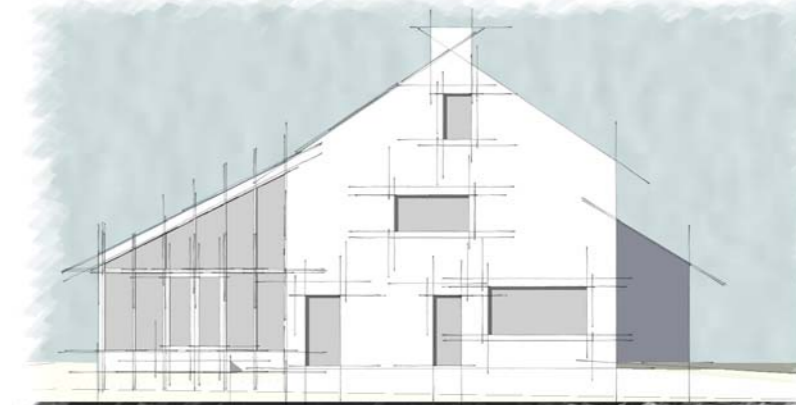
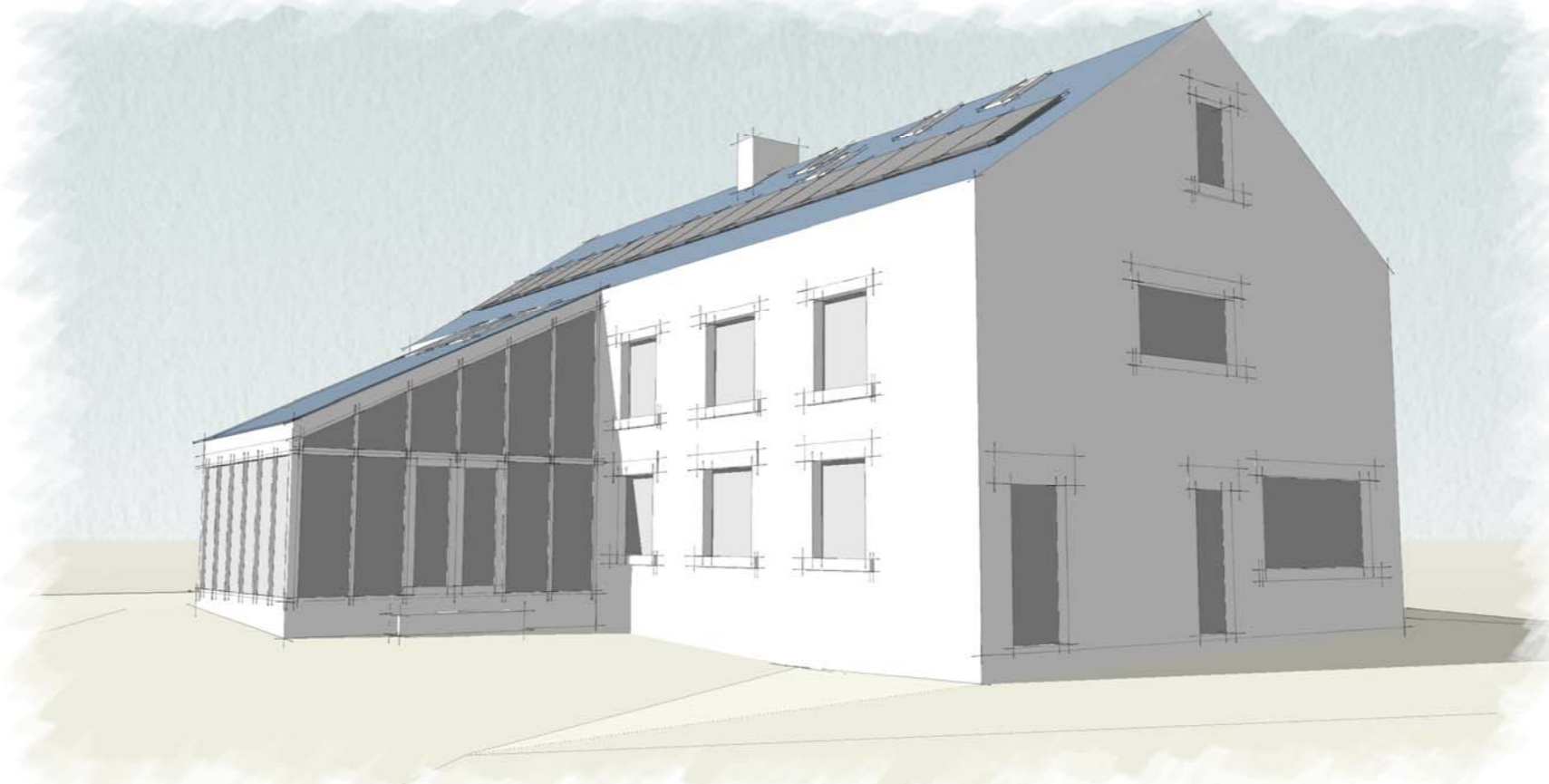
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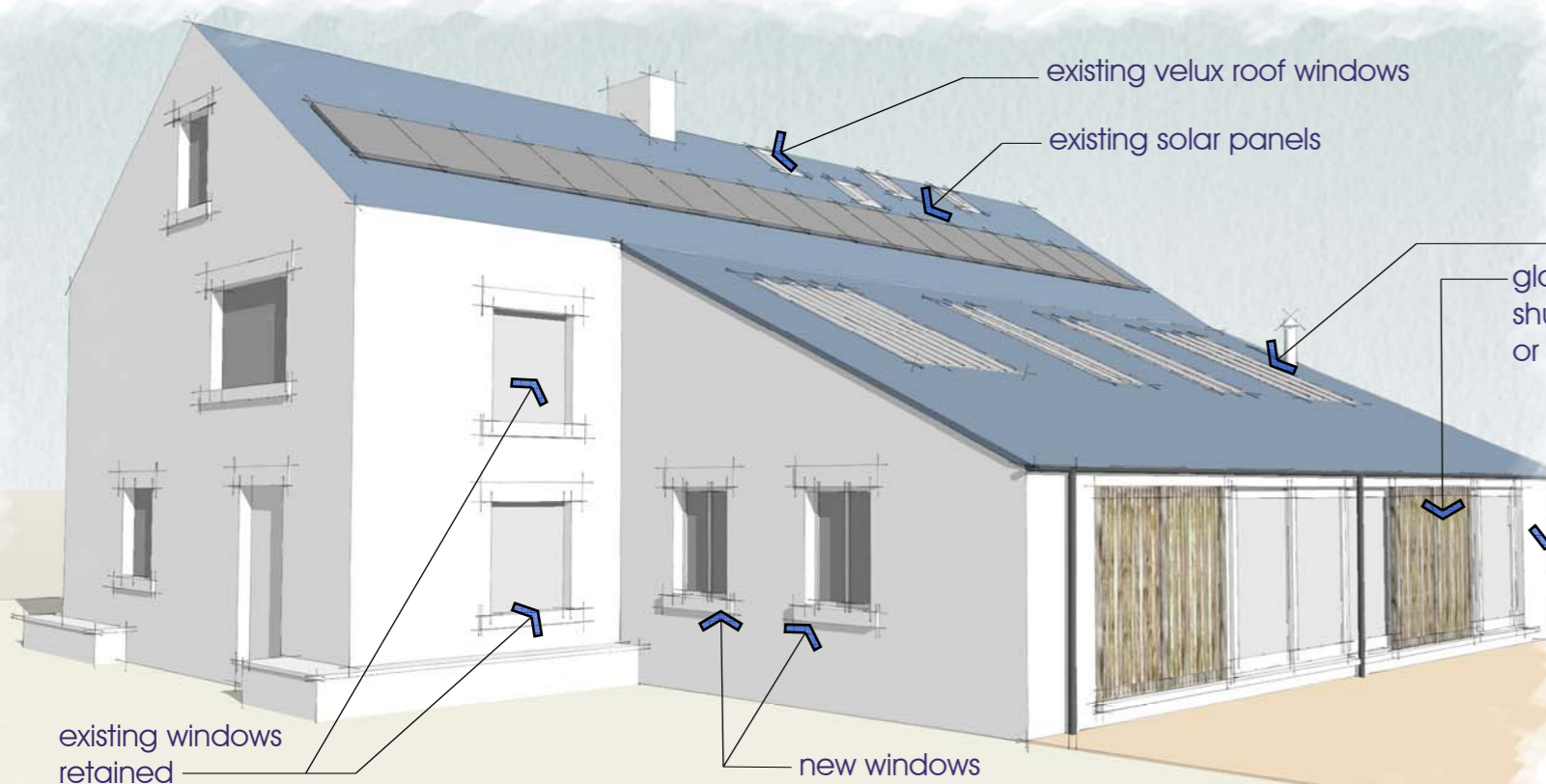
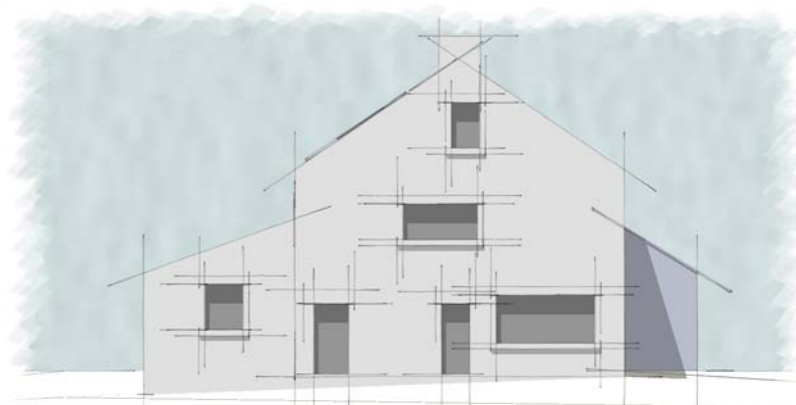
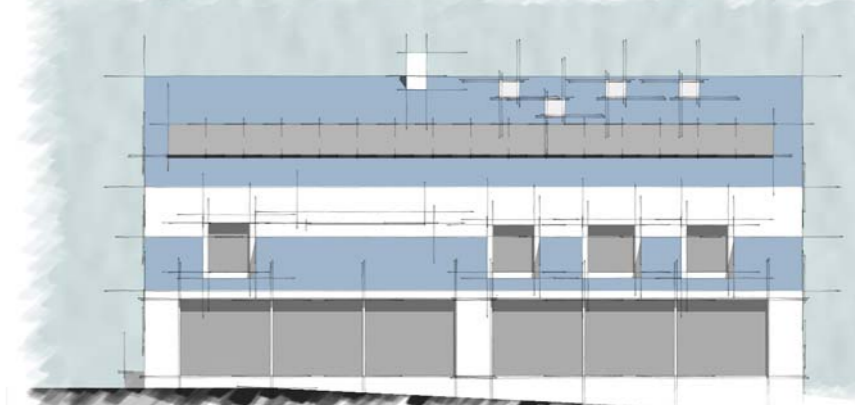
APPENDIX B: DRAWING NO. 3102_003



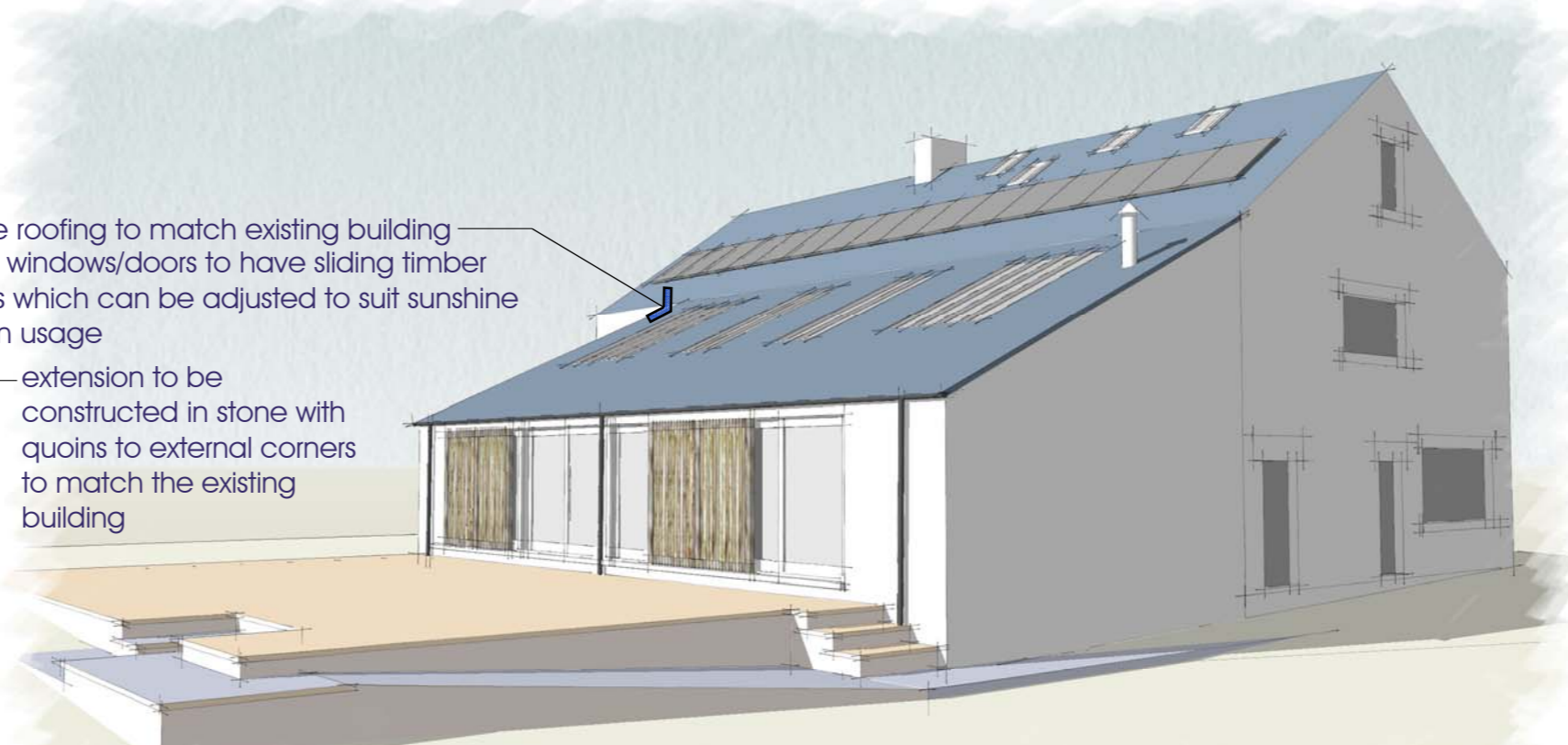
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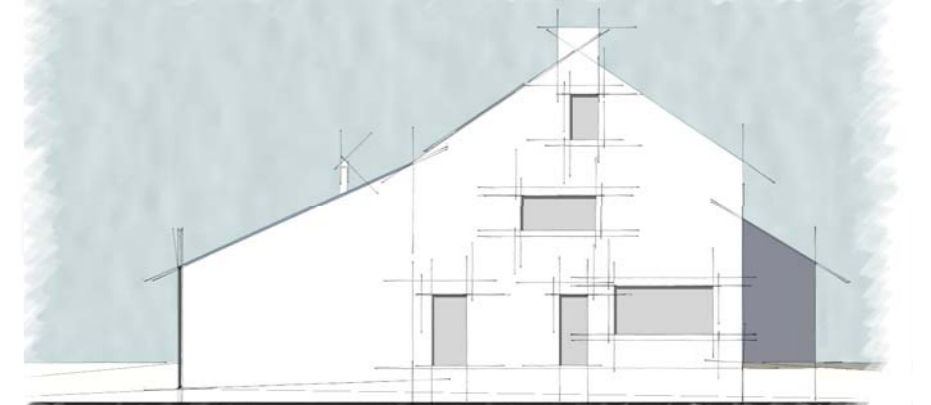
Existing Building with Permitted Development



Existing Building with Proposed extension



external terrace with steps and ramps to suit existing ground levels and maintain footpath access from existing door openings





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