

Appeal against the refusal by Ribble Valley Borough Council for a stable block and for a two storey domestic garage/annexe at Field Barn, Old Langho Road, Old Langho, BB6 8AW.

Application 3/2016/0241

Appeal Statement

Proposed development

The application is for a proposed stable block for domestic use only and for a two storey domestic garage/annexe. It was refused by the LPA on the 10th of May, 2016 for the following reasons:-

- 1. The proposal is considered contrary to Key Statement EN2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy in that the proposed garage/annexe, by virtue of its scale, design and external appearance would result in the introduction of an incongruous and unsympathetic form of development that would result in a suburbanising effect and represent an urban encroachment into the area, being of detriment of the character and visual amenities of the defined open countryside.*
- 2. The proposal, by virtue of the cumulative level of development proposed, would result in an incongruous suburbanising effect, being of detriment to the character of the isolated barn and of detriment of the character, appearance and visual amenities of the defined open countryside, contrary to Key Statement EN2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy*

Planning history

3/2005/0783

Conversion of the barn to that of office use.

Approved 24th of November, 2005

3/2008/0509

Approval was granted on the 8th of August, 2008 for the removal of two conditions that restricted the use of the building to a specified occupier and associated use, so that the building could be occupied by any business that falls within Use Class A2.

3/2013/1065

Consent was granted for the change of use of the property from office to residential

3/2014/0991:

Extension and internal alterations to incorporate kitchen, dining and living space.
Extension of residential curtilage.

Approved with conditions on the 13th of February, 2014

Issues not in dispute

The officer report notes that:-

1. no representations were received from members of the public
2. the proposal would not be detrimental to existing or future residential amenities.

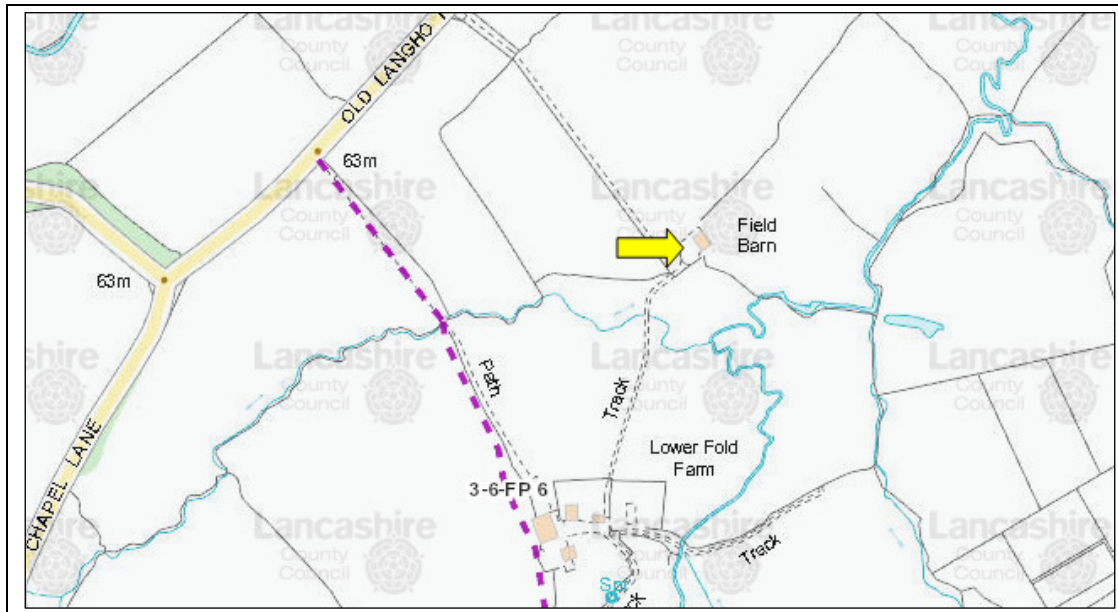
Furthermore there is no dispute that the appeal site is not in the Green Belt or in the Area of Outstanding Natural Beauty and neither is the property Listed.

Reason for refusal no 1

The proposal is considered contrary to Key Statement EN2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy in that the proposed garage/annexe, by virtue of its scale, design and external appearance would result in the introduction of an incongruous and unsympathetic form of development that would result in a suburbanising effect and represent an urban encroachment into the area, being of detriment of the character and visual amenities of the defined open countryside.

Appellant comments

1. The proposed domestic garage is for two cars only and a storeroom at ground floor level. It includes an annex at first floor level to provide extra accommodation for visiting family members and friends. The existing dwelling, even with its extension, only has 3 bedrooms.
2. It is not the intention to create a separate planning unit and the appellant would accept a condition to that effect.
3. The proposed building has a floor plan of 10m by 6.5m (plus external stairs) which is hardly excessive. The height to the eaves is 3.3m and it is 5.6m to the ridge. It is hyperbole to suggest that such a building - subservient to the existing dwelling – is a suburbanising element. Double garages (with a second storey) are as likely to be found in rural areas as in urban locations.
3. Moreover the proposed garage/annexe will be within the existing curtilage of the house; it cannot be said, reasonably that it will lead to “urban encroachment”.
4. Not only is the house and its curtilage in what the LPA describes as an isolated location it is also over 200m away from the nearest statutory footpath:-



5. Equally it cannot be said in all reasonableness that such a building will be detrimental to the *character and visual amenities of the defined open countryside*.

It is to be constructed in random stone with stained weatherboarding above and with a natural blue slate, pitched roof. Windows and doors are to have wooden frames.

Those are not alien or particularly suburban design features.

6. It is entirely reasonable, especially in a Northern climate, for the appellant to want to house his vehicles indoors

6. At no time has the LPA sought to engage with the appellant over the design of the proposed garage/annexe.

7. Arguably the proposed garage will be less intrusive in the landscape than cars parked at the house in the open:-



8. The garage/annexe is not contrary to the stated Core strategy policies:-

Core strategy policies quoted by the LPA in support of the refusal	Appellant comments
<p>KEY STATEMENT EN2: LANDSCAPE</p> <p>The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Any development will need to contribute to the conservation of the natural beauty of the area.</p> <p>The landscape and character of those areas that contribute to the setting and character of the Forest of Bowland Areas of Outstanding Natural Beauty will be protected and conserved and wherever possible enhanced.</p> <p>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.</p>	<p>The appeal site is not within the AONB</p> <p>But in any event the proposed garage /annexe to this isolated property will not have an adverse effect on the landscape and will be compatible in terms of mass, shape and materials to the existing property and the extension to it approved by the LPA</p>
<p>POLICY DMG1: GENERAL CONSIDERATIONS 10.4 in determining planning applications, all development must:</p> <p><u>Design</u></p> <ol style="list-style-type: none"> 1. Be of a high standard of building design which considers the 8 building in context principles (from the CABE/English Heritage building on context toolkit. 2. Be sympathetic to existing and proposed land uses in 	<p>This is the home of the appellant. He has no desire to ruin it or its setting.</p> <p>The domestic garage. Annexe is relatively small in scale and it</p>

<p>terms of its size, intensity and nature as well as scale, massing, style, features and building materials.</p> <p>3. Consider the density, layout and relationship between buildings, which is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.</p> <p>4. Use sustainable construction techniques where possible and provide evidence that energy efficiency, as described within policy dme5, has been incorporated into schemes where possible.</p> <p>5. The code for sustainable homes and lifetime homes, or any subsequent nationally recognised equivalent standards, should be incorporated into schemes.</p> <p><u>Access</u></p> <p>1. Consider the potential traffic and car parking implications.</p> <p>2. Ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.</p> <p>3. Consider the protection and enhancement of public rights of way and access.</p> <p><u>Amenity</u></p> <p>1. Not adversely affect the amenities of the surrounding area.</p> <p>2. Provide adequate day lighting and privacy distances.</p> <p>3. Have regard to public safety and secured by design principles.</p> <p>4. Consider air quality and mitigate adverse impacts where possible.</p> <p><u>Environment</u></p> <p>1. Consider the environmental implications such as SSSIs, county heritage sites, local nature reserves, biodiversity action plan (bap) habitats and species, special areas of conservation and special protected areas, protected species, green corridors and other sites of nature conservation.</p> <p>2. With regards to possible effects upon the natural environment, the Council propose that the principles of the mitigation hierarchy be followed. This gives sequential preference to the following: 1) enhance the environment 2) avoid the impact 3) minimise the impact 4) restore the damage 5) compensate for the damage 6) offset the damage.</p> <p>3. All development must protect and enhance heritage assets and their settings.</p> <p>4. All new development proposals will be required to take into account the risks arising from former coal mining and,</p>	<p>is to be constructed from materials which reflect those used in the dwelling itself.</p> <p>N/A, No changes are proposed to the existing access</p> <p>The officer report notes that there will be no adverse effects on adjoining properties - because there are none</p> <p>The area has no special protective designation and the construction of a garage/annexe within the curtilage of the dwelling will not have any adverse effects on the natural environment – as the LPA concedes in the officer report Nor will it have any adverse effects on the built environment</p>
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<p>where necessary, incorporate suitable mitigation measures to address them.</p> <p>5. Achieve efficient land use and the reuse and remediation of previously developed sites where possible. Previously developed sites should always be used instead of Greenfield sites where possible</p> <p><u>Infrastructure</u></p> <p>1. Not result in the net loss of important open space, including public and private playing fields without a robust assessment that the sites are surplus to need. In assessing this, regard must be had to the level of provision and standard of public open space in the area, the importance of playing fields and the need to protect school playing fields to meet future needs. Regard will also be had to the landscape or townscape of an area and the importance the open space has on this.</p> <p>2. Have regard to the availability to key infrastructure with capacity. Where key Infrastructure with capacity is not available it may be necessary to phase development to allow infrastructure enhancements to take place.</p> <p>3. Consider the potential impact on social infrastructure provision.</p> <p><u>Other</u></p> <p>1. Not prejudice future development which would provide significant environmental and amenity improvements. This policy helps deliver the vision for the area and gives an overarching series of considerations that the council will have regard to in achieving quality development.</p>	<p>N/A</p> <p>N/A</p>
<p>POLICY DMG2: STRATEGIC CONSIDERATIONS</p> <p>10.5 development should be in accordance with the core strategy development strategy and should support the spatial vision.</p> <p>1. Development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the tier 1 villages should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.</p> <p>Within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:</p> <p>1. The development should be essential to the local economy or social well-being of the area.</p> <p>2. The development is needed for the purposes of forestry or agriculture.</p> <p>3. The development is for local needs housing which meets an identified need and is secured as such.</p> <p>4. The development is for small scale tourism or recreational developments appropriate to a rural area.</p>	<p>Policy DMG2 is, as its heading states, concerned with strategic considerations. It is directed to new development such as new housing sites.</p> <p>It is hardly apposite to an application for a domestic garage. Annexe and a small stable block</p>

5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.

6. The development is compatible with the enterprise zone designation.

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 by virtue of its size, design, use of materials, landscaping and siting.

Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build. In protecting the designated area of outstanding natural beauty the council will have regard to the economic and social well being of the area. However the most important consideration in the assessment of any development proposals will be the protection, conservation and enhancement of the landscape and character of the area avoiding where possible habitat fragmentation. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build. Development will be required 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. The AONB management plan should be considered and will be used by the council in determining planning applications.

For the purposes of this policy the term settlement is defined in the glossary. Current settlement boundaries will be updated in subsequent DPDS.

This policy assists the interpretation of the development strategy and underpins the settlement hierarchy for the purposes of delivering sustainable development. In establishing broad constraints to development the council will secure the overall vision of the core strategy.

9. The proposed garage/annexe is supported by other policies not mentioned by the LPA:-

a) Core Strategy policy DMH5: residential and curtilage extensions

10.22 proposals to extend or alter existing residential properties must accord with policy DMG1 and any relevant designations within which the site is located.

Proposals that are for the extension of properties to provide accommodation for elderly or dependant relatives will also be subject to the following criteria:

1. The development must be capable of integration into the main dwelling or a use that is ancillary to the use of the main dwelling housing when circumstances change.

2. The extension should generally speaking provide only a modest level of accommodation.

While the proposed annexe is not specifically for elderly or dependent relatives (and is more likely to be used by adult children of the family) it provides only “a modest level of accommodation”

b) National Planning Policy framework

Requiring good design

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

The relatively small garage/annexe reflects the characteristics of the existing dwelling in terms of its proposed materials, shape, mass and height

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and*
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

—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; or

—specific policies in this Framework indicate development should be restricted

Reason for refusal no 2

The proposal, by virtue of the cumulative level of development proposed, would result in an incongruous suburbanising effect, being of detriment to the character of the isolated barn and of detriment of the character, appearance and visual amenities of the defined open countryside, contrary to Key Statement EN2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy

Appellant comments

1. The proposed stables (to be used for domestic purposes only) are hardly suburban in nature and are a common feature of most rural areas (Not so common in suburban areas). The proposed block is modest in size (designed to the commonly used proportions for such stables) and is to be constructed in wood. It cannot reasonably be said to be harmful to the rural area or to its landscape or to visual amenities.

2. Even if the LPA had considered that the proposed garage annexe was objectionable it could have approved the stable block on a split decision

3. The proposed garage/ annexe cannot be said to be detrimental to the character, appearance and visual amenities of this area of open countryside even when it is

assessed in the context of previous approvals. Those previous approvals were considered to be acceptable in terms of the above criteria. The addition of, in essence, a two storey double domestic garage and a domestic stable block is hardly a significant element in the landscape. The LPA concludes that it is in an isolated location and the nearest statutory footpath is over 200m away. No – one other than the family itself will see them. But in addition the proposed materials, shapes, massing, heights and appearances of both buildings are all in keeping with the existing property and the area within which they are set.

Proposed conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried *out* in accordance with the details shown on drawing nos:

PHD/FB 100 relating to scheme design, site plan and location plan

PHD/FB 200 relating to garage plans

REASON: For the avoidance of doubt and to clarify which plans are relevant and to ensure that the development is carried out in accordance with the approved plans and in the interest of visual amenity.

3. The buildings the subject of this appeal shall remain within the same legal ownership as the existing dwelling known as Field Barn and shall not become a separate planning unit and shall be only occupied by family members and their spouses and partners, of the occupier of the existing adjoining dwelling.

REASON: In the interests of the safeguarding residential amenities and in accordance with Policy DMG1 of the Ribble Valley Core Strategy