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PLANNING APPEAL STATEMENT

**IN RESPECT OF THE REFUSAL OF A FULL
PLANNING APPLICATION (3/2020/0281) FOR THE
DEMOLITION OF THE EXISTING TWO STOREY
FARMHOUSE AND SIX OUTBUILDINGS AND THE
ERECTION OF A SINGLE STOREY
REPLACEMENT DWELLING**

AT

**LOWER SEED GREEN FARM, STONEYGATE
LANE, RIBCHESTER, PR3 2ZS**

Prepared by: Colin Sharpe
Our Client: Mr. P Coates
Our Ref: Coa/959/2941/CS
Date: December 2020



Chartered Surveyors ■■■ Planning & Development ■■■ Land Agents
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1. INTRODUCTION

1.1 Gary Hoerty Associates has been instructed by Mr P Coates to submit an appeal on his behalf against the decision of Ribble Valley Borough Council to refuse full planning permission for the demolition of the existing two storey farmhouse and six outbuildings and the erection of a single storey replacement dwelling at Lower Seed Green Farm, Stoneygate Lane, Ribchester, PR3 2ZS.

1.2 The application, reference number 3/2020/0281, was refused by decision notice dated 24 June 2020 for the reason that:

“The proposed residential development (including associated private gardens and domestic paraphernalia such as sheds, washing lines, children’s play equipment and fence lines) would, by virtue of its design, appearance and siting, result in an incongruous form of development that fails to respond positively to or enhance the immediate context, being of detriment to the visual amenity of the open countryside and inherent character of the area contrary to Key Statement EN2 and policies DMG1, DMG2 and DMH3 of the Ribble Valley Core Strategy.”

1.3 It should be noted that the reason for refusal does not include any objection to the ‘principle’ of the demolition and replacement of the existing farmhouse in this general locality. The refusal relates to the proposed precise siting and design of the replacement dwelling and alleged detrimental effects upon the visual amenity and character of the open countryside.

1.4 In this Appeal Statement we will describe the proposed development and will review the relevant policies and guidance and set out why we believe that the application complies with national planning guidance and local planning policies and why we feel that the appeal should therefore be allowed. Whilst appreciating that all planning applications are determined on their own merits, we will also refer to a number of planning permissions granted relatively recently by the Council for the demolition and replacement of existing dwellings in open countryside and Area of Outstanding Natural Beauty (AONB) locations. We will explain why we consider that the refusal of this application represented an inconsistency of approach by the Council, and an inconsistent interpretation of the relevant planning policies and guidance, when compared to the previous approvals to which we will refer.

2. THE APPEAL SITE AND SURROUNDINGS

2.1 The application site has an area of approximately 3,705sq.m. and comprises a group of buildings which form part of the former farmstead of Lower Seed Green Farm. The buildings include a detached two storey three-bedroom farmhouse, which has rendered walls, and seven outbuildings (numbered 1-7 on the submitted plans). Building numbers 1-5 are timber sheds, number 6 is a Nissen hut of brick

and corrugated sheet construction and number 7 is a stone built shed. The farmhouse and the outbuildings are all in a very poor state of repair. To the north of the farmhouse there is a traditional stone barn that is also within the applicant's ownership, but as no alterations to the barn are proposed in the application it is excluded the application site as outlined in red on the submitted plans.

- 2.2 The site is located on the western side of Stoneygate Lane from which it is served by an existing vehicular access. The general locality comprises open farmland with scattered dwellings and farmsteads and there are also two developments of holiday cottages on Stoneygate Lane.
- 2.3 In planning policy terms, the site is within an area of open countryside as defined in the Council's adopted Core Strategy but is not within either the Green Belt or AONB.

3. PLANNING HISTORY

- 3.1 A planning application search for Lower Seed Green Farm on the Council's website did not reveal any previous planning applications.

4. THE PROPOSED DEVELOPMENT

- 4.1 The application relates, firstly, to the demolition of the existing farmhouse and the outbuildings numbered 1-6 on the submitted plans. Only the brick built shed numbered 7 on the plans is to be retained and is unaffected by the application. Following the demolition of the existing buildings a replacement single storey dwelling will be erected.
- 4.2 The proposed dwelling is rectangular in form with dimensions of 29m by 11.75m. and will have a mono-pitched roof with a maximum height of 4.5m. and an eaves height of 2.8m. The walls of the dwelling will be natural stone and its roof will be grey metal roofing sheets. The windows will have grey aluminium frames within stone surrounds. Internally the building will contain a double garage, an open plan living/dining/kitchen room, a cinema/snug, utility room, plant room/store and three double bedrooms each with en-suite bath/shower rooms.
- 4.3 The dwelling will be sited centrally within the area presently occupied by the buildings that are to be demolished. The existing fences bounding this area will be retained, and there will be a narrow pathway around all sides of the building with the remainder of the land just being grassed. The new dwelling will be served by the existing vehicular access from Stoneygate Lane.

5. PLANNING POLICY CONSIDERATIONS

General

- 5.1 Local Planning Authorities are required to determine planning applications in accordance with the Statutory Development Plan unless material considerations indicate otherwise. In Ribble Valley, if it is to be approved, any development must therefore satisfy, as far as possible, guidance contained within the National Planning Policy Framework 2019 (NPPF) and the relevant Key Statements and Policies of the Council's Core Strategy 2008-2028 adopted December 2014.
- 5.2 We set out below extracts from the relevant documents to facilitate the assessment of the application proposal against the principal appropriate policies and guidance.

National Planning Policy Framework 2019 (NPPF)

- 5.3 The National Planning Policy Framework 2019 is now the main national planning policy guidance influencing planning decision making in England. It sets out the Government's planning policies for England and how these should be applied and provides a framework within which locally prepared plans for housing and other development can be produced.
- 5.4 Paragraphs 11 – 14 of the NPPF highlight the presumption in favour of sustainable development. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making and therefore proposed development that accords with an up to date development plan should be approved unless other material considerations indicate that the plan should not be followed.
- 5.5 Importantly, paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. For decision taking this means approving development proposals that accord with an up to date development plan without delay.
- 5.6 Paragraph 11 also clearly spells out the Government's presumption in favour of allowing development that accords with an up to date development plan unless any adverse impacts of doing so would demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 5.7 The application, in simple terms, is for the demolition of an existing two storey farmhouse and a number of dilapidated timber buildings in the open countryside and the erection of a single storey replacement dwelling. In our opinion, it is

therefore a relatively straightforward proposal that we consider to constitute sustainable development as defined by the policies in NPPF taken as a whole.

- 5.8 In order for this appeal to be allowed, the proposal must also comply with the Council's adopted Core Strategy. We will now therefore consider the proposed development against what we consider to be the most relevant Key Statements and Policies of the Core Strategy.

Ribble Valley Adopted Core Strategy 2008-2028

Key Statement DS2

- 5.9 This key statement (which is not included in the reason for refusal) says that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework; and will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible. It also states that applications that accord with the policies of the Local Plan will be approved without delay unless material considerations indicate otherwise. As stated above, we consider that the proposal constitutes sustainable development as defined by NPPF, and we will explain below why it fully accords with the relevant policies of the Local Plan such that the appeal should be allowed.

Key Statement EN2

- 5.10 This key statement relates to landscape considerations with specific relevance to developments that are within the AONB. The key statement states that the landscape and character of the AONB will be protected, conserved and enhanced and that developments will need to contribute to the conservation of the natural beauty of the area. Of relevance to this application that is within the Open Countryside (but outside the AONB) it is stated, additionally, that 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.
- 5.11 The proposal involves the demolition of the existing farmhouse and six outbuildings, all of which are in a very poor state of repair, and the erection of a single storey replacement dwelling. The total volume of the buildings to be demolished is 1,648cu.m. and the volume of the proposed dwelling is 1,247cu.m. which represents a reduction of 401cu.m. or 24%.
- 5.12 Due primarily to its single storey design, the building will be very unobtrusive within the local landscape. It will replace a higher and therefore more visually prominent farmhouse that is in a poor state of repair and does not contribute in any positive sense to the appearance and character of the locality. Additionally, the proposal involves the demolition of numerous outbuildings all of which

presently detract from the visual amenities of the locality. As it will be smaller in volume than the total volume of the buildings that are to be demolished, we consider that the scale of the proposed development must be acceptable and in accordance with Key Statement EN2. We will refer in Section 6 of this Statement to examples of permissions for the demolition and replacement of dwellings in the both the open countryside and AONB that have been granted by the Council where there was an **increase** in volume over the existing buildings.

- 5.13 Overall, we consider that, when viewed in the context of the existing buildings on the site, the single storey dwelling proposed in this current application represents an appropriate development that will enhance the appearance of the locality and will satisfy the requirements of Key Statement EN2.

Policy DMG2

- 5.14 This policy defines the Council's overall development strategy. As the proposal will simply replace one dwelling with another dwelling, we consider that it would have no effects upon the approved development strategy and would therefore not contravene Policy DMG2. Whilst it is stated in the reason for refusal that the proposal would contravene Policy DMG2, there is no explanation of why this is the case in the planning officer's Delegated Item File Report (DIFR).

Policy DMG1

- 5.15 This policy defines the general criteria that proposals must satisfy in order for planning permission to be granted, in respect of which we will comment below using the "headings" within the Policy.
- 5.16 **Design.** We would not seek to argue that the design of the proposed single storey dwelling is similar to other dwellings in the locality. However, we contend that, due to its low height, its stone walls and grey coloured roof, it will form an unobtrusive and entirely acceptable feature within the local landscape. We will refer in the next section of this Statement to a number of cases where permission has been granted by the Council for replacement dwellings that were larger than the original dwelling, of a totally different design and in far more prominent locations (including some that are either within or close to the AONB) than this application site.
- 5.17 **Access.** The proposed dwelling will be served by the existing access from Stoneygate Lane that, in the past, has served the working farmstead. As such, the proposal will result in a reduction in the amount of traffic that will be generated. The proposed dwelling will be provided with a double integral garage, plus outdoor parking and manoeuvring areas.
- 5.18 **Amenity.** The effects of the proposal on the visual amenities of the locality are discussed above in relation to Key Statement EN2. With regards to the amenities

of nearby residents, there are no existing residential properties close enough to the site for the amenities of their occupiers to be in any way affected by the proposed development.

- 5.19 **Environment.** The location of the proposed development is not subject to any special environmental protection. The proposed dwelling will be constructed on land presently occupied by an existing dwelling and seven somewhat dilapidated outbuildings. As it would therefore be constructed on previously developed land, we do not consider that the proposed dwelling would have any detrimental effects upon the natural environment. We submitted with the application a Bat, Barn Owl and Nesting Bird Survey Report (Reference 6235 dated 17th March 2020) which confirms that the seven buildings that are to be demolished all have negligible potential for bats, and low potential for use by owls. The survey found past indication of use by bats only in the building numbered 7 on the submitted plans, but that building is to be retained and will be unaffected by the proposed development. Therefore, subject to appropriate mitigation measures, the proposed development would not cause any harm to bats, barn owls or nesting birds. We confirm that, if this appeal is allowed, the appellant will follow all the recommendations and mitigation measures comprised in Section 9 of the Report.
- 5.20 We will cover the reference in Policy DMG1 to “Heritage Assets” below with reference to the more specific Policy DME4 and Section 16 of NPPF. Overall, however, we contend that the proposal satisfies all the relevant requirements of Policy DMG1.

Policy DME2

- 5.21 This policy (which is not included in the reason for refusal) relates to the protection of the landscape and townscape and states that proposals will be refused if they would significantly harm a number of specified important landscape or landscape features. The only one of the specified features that could be of relevance to this application is “hedgerows and individual trees.” As there are no existing hedgerows or trees that would be affected by the proposed dwelling, we contend that the proposal complies with Policy DME2

Policy DME3

- 5.22 This policy (which is not included in the reason for refusal) relates to the protection and conservation of site and species. For reasons given in the submitted Bat, Barn Owl and Nesting Bird Survey Report, as referred to above in paragraph 5.19, we consider that the proposal satisfies the requirements of this policy.

Policy DMH3

- 5.23 This policy specifies the limited types of residential development that are permissible in the open countryside and AONB, one of which is the rebuilding or

replacement of existing dwellings. Such proposals are permissible subject to compliance with the criteria that (1) the residential use of the property has not been abandoned; (2) there being no adverse impact on the landscape in relation to the new dwelling; and (3) the need to extend an existing curtilage. Although the existing farmhouse has not been occupied for a number of years and is in a poor state of repair, it still contains all the facilities necessary for residential occupation and has not been used for any other purpose. The residential use of the property has therefore not been abandoned and, in our opinion, the proposed dwelling does not have any adverse impact on the landscape and does not involve an extension of the residential curtilage. We therefore consider the proposal to comply with the requirements of Policy DMH3. We will, however, discuss this policy in more detail below with reference to the planning officer's DIFR.

Policy DME4

- 5.24 This policy (which is not included in the reason for refusal) relates to the protection of Heritage Assets and would only have been relevant to the consideration of the application if the Council had considered that the existing farmhouse constituted a non-designated heritage asset. We acknowledge that some farmhouses and agricultural buildings are of traditional design and construction such that they could be regarded as non-designated heritage assets. However (as illustrated by the photographs appended to the submitted Bat, Barn Owl and Nesting Bird Survey Report) the outbuildings at this site are predominantly timber, mainly dilapidated and of no architectural or historic interest; and the farmhouse has a rendered finish and again, in our opinion, is of no particular merit or importance. As such we did not consider any of the buildings on the site to constitute non-designated heritage assets.
- 5.25 During the consideration of the planning application, the case officer advised us in an email on 1 June 2020 that he had consulted the County Council Archaeologist *"to ascertain whether or not the farmhouse may be considered a non-designated heritage asset"* As heritage matters did not figure in the reason for refusal, we assumed that the archaeologist did not consider the existing building to be a non-designated heritage asset, but we asked the case officer for confirmation of this on 21 December 2020. In response, the case officer sent us the response of the County Planning Officer (Archaeology) dated 11 June 2020 in which he stated *"I have checked our records and none of the buildings proposed for demolition are recorded on the Lancashire Historic Environmental Record, and none appear, from the documents supplied with the application, to be worthy of any level of archaeological recording. I advise that archaeology does not need to be considered further for this application."*

6. THE CASE FOR THE APPELLANT

- 6.1 Much of the appellant's case relates to our contention that the proposal accords with all relevant planning policies and guidance as detailed above and that, accordingly, the appeal should, in our opinion, be allowed. We will, however, amplify and clarify our case through reference to similar applications that have been approved by the Council in recent years; and through an examination of certain aspects of the DIFR.
- 6.2 In the Planning Statement submitted with the application, we gave details of five cases that we considered to be of relevance to the consideration of this application at Lower Seed Green Farm. We stated that, in all of the cases to which we referred, the buildings that were approved for demolition had, in our opinion greater architectural/historic importance than any of the buildings on the site of this application. We also made the points that, in all of the cases, the proposal involved significant increases in the volume of built development on the site compared to the situation before the applications were approved (whereas the proposal in this application resulted in a reduction in volume compared to all of the existing buildings that are to be demolished); and that the visual impact of all of the previously approved cases would be considerably greater than in this application.
- 6.3 We do not propose to repeat the details of these cases in this Appeal Statement but would request the Inspector to pay regard to them in the Planning Statement. In the Conclusion to the DIFR, it is stated that *"The cases referred to in the Planning Statement as examples of replacement dwellings consented elsewhere in the Borough are noted. However, each case must be determined on its own merits"* Whilst we were aware that the Council was likely to respond in that manner to our inclusion of the other cases in our Planning Statement, we would comment that this response is not entirely consistent with the Planning Practice Guidance (Para 49) which cites examples of substantive grounds on which a Council could be vulnerable to an award of appeal costs against it, one of which is *"not determining similar cases in a consistent manner"*. Whilst we are not proposing to make a costs application on this ground, we just ask if the Inspector could pay more regard to these other cases than the Council's dismissal of their relevance.
- 6.4 We will now respond to various comments made in the DIFR using the Council's headings as sub-headings

Site Description and Surrounding Area

- 6.5 The comment is made that the Forest of Bowland AONB boundary is approximately 400m. to the north of the site. Whilst there is no further comment in the DIFR about the AONB and no mention of it in the reason for refusal, for

the avoidance of any doubt, we would just like to comment that the proposed development will have absolutely no effects upon the AONB.

Proposed Development for which consent is sought.

- 6.6 The comment is made that the proposal seeks to change the use of the entire site to residential curtilage. Obviously, it must be accepted that at least part of the site is residential curtilage of the existing farmhouse. As is often the case with farms and farmhouses it is often difficult to determine the precise boundaries of the residential curtilage. We will comment further on this matter below.

Principle of Development

- 6.7 The comment is made that the proposed dwelling has a considerably larger footprint than the existing farmhouse. This is true, but the proposed dwelling is single storey when the existing is two storey, and the proposal also involves the demolition of six other buildings.
- 6.8 The rest of this section of the DIFR relates to the matter of residential curtilage. The officer accepts that there is no defined garden area associated with the farmhouse, but then seeks to define which areas could be considered to be residential garden. It is stated that most of the land to the south of the farmhouse is agricultural in appearance. I do not agree with this statement as this land is short mown grass having the appearance of a residential lawn. The officer then states that the most obvious garden area is the land to the north of the farmhouse. Firstly, I do not agree that this land is more obviously residential curtilage than the land to the south of the farmhouse. Secondly, the officer then makes an incorrect assumption as to why the land to the north was not included in the application site boundaries. The applicant has no aspirations to convert the adjoining barn into a dwelling. This area was excluded from the application site in order to avoid problems that could arise in the event of an application being submitted in the future by any other person(s) who might have expressed an interest in converting the barn into a dwelling. If this area to the north of the farmhouse was to become the principal curtilage area of the replacement dwelling proposed in this application, it would leave minimal or no rear curtilage for any future conversion of the barn; and we consider it unlikely that permission would be granted for the conversion of the barn in these circumstances.

Visual Amenity

- 6.9 Reference is made to the reasoned justification for Policy DMH3 requiring the protection of the open countryside from sporadic or visually harmful development. This proposal is for the replacement of an exiting dwelling in an area that, whilst open countryside, is characterised by scattered dwellings within residential curtilage, many of which are larger than that proposed in this

application. It is therefore not a sporadic development, nor is it, in our opinion, visually harmful.

- 6.10 Further reference is made to the residential curtilage and it is contended that it is both extensive and prominent. Compared to other curtilages in the locality, we do not consider it to be extensive. Whilst it is close to Stoneygate Lane, it is very well screened from that highway by trees and hedges. We therefore do not consider it to be prominent in the landscape. There are many residential curtilages in the locality that include curtilage buildings and the other paraphernalia associated with domestic gardens. We do not consider that these curtilages are in any way detrimental to the appearance and character of the locality, they are just a component part of an area that comprises dwellings within a countryside location. Whilst we don't consider it to be necessary, if the Inspector was of the opinion that domestic paraphernalia would be detrimental to visual amenity due to the specific location of this site, this could be addressed through the imposition of a condition removing permitted development rights for curtilage buildings. The appellant would have no objections to the imposition of such a condition.
- 6.11 It is claimed that the justification of the size of the proposed dwelling in the Planning Statement through a comparison with the volume of all the existing buildings that are to be demolished is unsound. The proposal involves the demolition of a farmhouse that is in a poor state of repair and detrimental to the appearance of the locality, and a number of agricultural buildings that are also derelict and having a detrimental visual impact. We do not see why the volume of all of these buildings, and the visual harm that they cause cannot be advanced as arguments in support of the application.
- 6.12 The case officer comments that agricultural buildings are a common sight in the countryside and have little or no effect on landscape character, but that this is not the case with residential buildings. The inference is therefore that, in the officer's opinion, residential buildings generally result in more harm to visual amenity in countryside locations, than agricultural buildings. The officer, however, also expresses the opinion that the proposed dwelling "*appears to mimic the appearance of an agricultural storage building with its lean-to metal sheet roof and linear plan form*". We contend that, using the case officer's own argument, having a dwelling that mimics the appearance of an agricultural building overcomes the objections to the proposal relating to alleged detriment to visual amenity.
- 6.13 It is further stated that the proposal does not satisfy the requirement of NPPF to create high quality buildings. Whilst the proposed building is of unconventional design, its similarity to an agricultural building makes it entirely appropriate for its location. I contend that this makes it a "good" design that blends into the landscape more than would be the case with a two-storey dwelling of more conventional design.

Highways

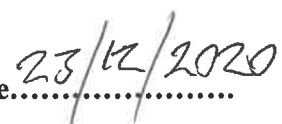
- 6.14 We confirm that our client will ensure the provision of appropriate visibility plays in accordance with any conditions that the Local Planning Authority might suggest in the event that the Inspector is minded to allow the appeal.

Observations/Consideration of Matters Raised/Conclusion

- 6.15 We confirm that, in the event that the appeal is allowed, the development will be carried out in compliance with the submitted, Bat, Barn Owl and Nesting Bird Survey Report.
- 6.16 For reasons given in this Statement we do not agree with the Council's conclusion that the proposal would detract from the character of the surrounding area representing a prominent and harmful visual intrusion. As agreed by the case officer, the proposed dwelling has the appearance of an agricultural building. As also agreed by the case officer, agricultural buildings *"have little or no adverse effect on landscape character given they are an inherent part of the landscape in which they are sited"*

7. SUMMARY AND CONCLUSIONS

- 7.1 We consider that we have demonstrated in this Statement that the proposal represents sustainable development that complies with NPPF and the relevant Policies of the Council's adopted Core Strategy. As such, we consider the Council's reason for refusal of the application to be unfounded and we therefore respectfully request that this appeal be allowed.

Signed..........Date..........

Colin Sharpe Dip. TP.
For and on behalf of Gary Hoerty Associates