

# EAVES HALL EAVES HALL LANE WEST BRADFORD CLITHEROE BB7 3JG

Variation of Condition 2 (Plans) of planning application 3/2020/0544, to reflect the updated layout and change of lodge type. Conditions 4, 5, 12, 14, 15, 16, 19, 22 to be omitted as additional information included within application to allow condition to be discharged. Sample provided to discharge condition 3.

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## APPELLANT'S STATEMENT OF CASE

April 2022

# REPORT CONTROL

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Client	Mr James Warburton
Job Number	21-1241
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# CONTENTS

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1 INTRODUCTION

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2 APPEAL CONTEXT

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3 RELEVANT PLANNING POLICY

---

4 CASE FOR THE APPELLANT

---

5 CONCLUSION

---

APPENDIX 1: Copies of Plans Approved Under Parent Consent 3/2020/0544

## **/1 INTRODUCTION**

- 1.1. PWA Planning is retained by Mr James Warburton ('the appellant') to lodge an appeal under Section 78 of the Town and Country Planning Act 1990, against the refusal of planning application **ref. 3/2021/1020**. Consent was sought for the '*Variation of Condition 2 (Plans) of planning application 3/2020/0544, to reflect the updated layout and change of lodge type. Conditions 4, 5, 12, 14, 15, 16, 19, 22 to be omitted as additional information included within application to allow condition to be discharged. Sample provided to discharge condition 3*' at Eaves Hall, Eaves Hall Road, West Bradford, Clitheroe, BB7 3JG ('the site') by Ribble Valley Borough Council ('the Council' 'LPA').
- 1.2. The planning application was submitted to the Council on 4<sup>th</sup> October 2021 and was accompanied by appropriate plans and supporting information. The application was refused by delegated powers on 6<sup>th</sup> December 2021. The Decision Notice specifies a single Reason for Refusal (RfR):
  1. *The proposed lodges, by virtue of their design, external appearance and elevational language, would 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 Area of Outstanding Natural Beauty and the setting of Grade II Listed Eaves Hall contrary Key Statements EN2 and EN5 and policies DMG1, DMG2, DMB3 and DME4 of the Ribble Valley Core Strategy.*
- 1.3. This Statement of Case should be read in conjunction with the original planning permission and the documents that formed the application for S73 consent. Furthermore, additional reports have been submitted with this appeal to justify landscape and heritage impacts that are referred to in the RfR. It is understood that the LPA made no request for the Appellant to provide these documents during the course of the determination period, despite the application having been deemed valid.

- 1.4 Considering all originally submitted and further reports, this Statement of Case concludes that the LPA were unjustified in refusing planning permission. The appeal should therefore be allowed.

## /2 APPEAL CONTEXT

### Existing site

- 2.1. The appeal relates to the land north-west of Eaves Hall, which is a popular wedding venue and hotel located in West Bradford, a short distance from Clitheroe in the Ribble Valley.
- 2.2. The site sits on a slightly sloped field and covers a total area of approximately 1.8ha. Dense vegetation is located along the west and eastern boundary of the site. Vehicular access is also currently taken from Moor Lane, towards the south-east of the site.
- 2.3. The development site within its wider context is shown in Figure 1 below.



Figure 1: Aerial Image showing Stone Fold Farm (not to scale) (Source: Google Maps)

## **Local Context**

- 2.4. To the north, west and east of the appeal site are agricultural fields. Moor Lane is located immediately to the east, beyond which lies an existing caravan park. Dwellings also front Moor Lane to the south-west of the site.
- 2.5. Eaves Hall and 'The Lodge', which is operated in connection with the wedding venue is located to the south of the site. These are separated from the appeal site by an existing masonry wall covered in vegetation.
- 2.6. The surrounds are generally rural/agricultural though the village of West Bradford is located 800m to the south of the site and Clitheroe is located approximately 4km further south.
- 2.7. A Public Right of Way (PROW) runs just beyond the eastern boundary of the site allowing sustainable access to the wider rural area. This PROW links to a variety of other paths within the local area.

## **Landscape Designations**

- 2.8. The appeal site is located within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The site sits on slightly sloping land 150m from Eaves Hall, off Moor Lane. The field is open and comprises of mainly improved and marshy grassland with soft rush. The west and east site boundaries are formed by dense vegetation and to the south a large masonry wall is located. In terms of views from the site, there are clear views from the top of the southwards towards Eaves Hall and Pendle Hill beyond. Further afield, there are agricultural fields to west, north and east, with Rivers Caravan Park beyond. To the south east of the site, there are dwellings facing the access highway. A belt of woodland vegetation edges the western site boundary.

## **Heritage Assets**

- 2.9. Eaves Hall is located directly to the south of the site is a Grade II listed building. The Grade II listed Eaves House Cottage and Barn is located approximately 400m to the

west of the appeal site. Views from the site towards Eaves Hall can be seen in Figure 2 below.



*Figure 2: View from the site towards Eaves Hall (south) (photograph taken on 20<sup>th</sup> January 2022)*

- 2.10. Eaves Hall was built around 1870, in recent times the building and surrounding area has undergone considerable change including the construction of residential housing immediately to the east of the site in the C20th. Eaves Hall and the wider estate and gardens possess illustrative historic interest in that they are indicative of the historic architectural fashions and living practices of the wealthier classes of the area in which it was built.
- 2.11. The site does not possess any historic interest aside from its location near to the Eaves Hall building and its siting within the wider estate. The gardens are of some interest and are included in the Local List of Lancashire's Designed Landscapes.
- 2.12. The wider setting of the site including the road, lodge and gate piers are also positive contributors to the setting of the building but like the gardens, are not included within the listing description for Eaves Hall or listed themselves separately as they typically would be if of national interest. The terraced garden to the south is altered, missing its planting and its pond. However, the walkways remain, and the gardens are interpretable

as to their original design if not grandeur and remain as the primary positive aspect of the setting of Eaves Hall. The land to the north, i.e. the appeal site, has much less significance development on here would have a very limited impact on the setting of the heritage asset.

### **Other Technical Constraints**

- 2.13. With regards to flood risk, the site is within Flood Zone 1 where the risk of flooding is low. There are no known Tree Preservation Orders affecting the site.

### **Development Proposals**

- 2.14. As discussed above, Eaves Hall is a popular wedding venue. The venue provides exclusive hospitality for events, in which the whole hall is hired for use by guests. It is not a general hotel use.
- 2.15. Guest catering is provided on-site, and the venue currently provides an offer of 6 luxury suites and 30 en-suite bedrooms. Demand for the accommodation is however normally very high and the Appellant has long considered potential options for increasing the guest accommodation offer.
- 2.16. When closure of the venue was forced because of the March 2020 Covid-19 lockdown, which generated a significant financial impact, the time was appropriate to apply for consent for lodge accommodation at the current appeal site. The revenue generated through the installation of these were deemed essential to the recovery of the business and the long-term investment in Eaves Hall.
- 2.17. In November 2020 permission was approved for the construction of 15 eco lodges and infrastructure to provide additional accommodation for Eaves Hall under application reference 3/2020/0544. Copies of the originally approved plans are available at Appendix 1 of this Statement. The originally approved lodges comprised a prefabricated cylindrical timber framed pod with a green sedum roof and large window at the end of the pod, angled to frame views and provide adequate daylight.

- 2.18. Following the grant of permission however, the Appellants purchased lodges of a different, much more preferred design. These were perceived by the Appellant to offer a modestly better standard of accommodation. Alterations to the site layout were also deemed appropriate. It was not anticipated at that time that the LPA would likely to object to the amended design, given that buildings are ultimately of similar dimensions and materials.
- 2.19. An application was consequently submitted under S73 of the Town and Country Planning Act (1990), allocated ref. 3/2021/1020 to vary Condition 2 of the planning permission to reflect the updated layout and change of lodge type. The application also sought for Conditions 4, 5, 12, 14, 15, 16, 19, 22 to amended to allow for compliance, rather than seeking additional information to be submitted and approved by the LPA at a later date. A sample was provided to also discharge Condition 3.
- 2.20. In terms of layout, the S73 application sought to re-orientate the lodges from a north-west / south-east orientation to north-east / south-west, albeit the lodges remain in a similar location to the approved scheme. In terms of lodge type, the proposal sought for the installation of more oval shaped buildings with a rounded roof, as illustrated in Figure 3 below.



*Figure 3: Proposed Lodges*

- 2.21. As illustrated in Figure 3 above, the walls and roof comprise of a spruce shingles, with PVC windows, door and flooring. It is proposed that the walls will comprise from PVC double glazed, with grey frames.
- 2.22. The submitted plans showed the intention to further define the plot for each lodge with sone to the rear, as illustrated in Figure 4 below. It is proposed that the ground will be finished in gravel with stone setts borders, and a 4.5m x 3m terrace area to the front of each lodge.
- 2.23. The lodges will incorporate glazing to the front, which has been reduced significantly over the previous submission to reduce light pollution. The cabins have been positioned to ensure privacy. The cabins will also be screened by the existing land, the existing tree line and additional planting around the boundaries of the site. The height and width of the cabins have been reduced from the previously approved lodges, now demonstrating a total height of 2.5m and a reduction of 25.4sqm in footprint of each lodge to further reduce the landscape impact of the cabins. This equates to an overall reduction in footprint of 381.6sqm of the proposed lodges.



*Figure 4: Proposed Land Boundary Works*

- 2.24. The access to the lodges will remain the same as previously approved, with access from the south of the site, with a wildflower meadow proposed to the south-west of the proposed lodges, to further mitigate and landscape impacts. Parking is proposed in the same location as approved.
- 2.25. This application was subsequently refused on 6<sup>th</sup> December 2021.

### **/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 Ribble Valley Borough Council Core Strategy 2008 – 2028 (2014) and Housing and Economic Development Plan Document (HED DPD). Additionally, key policy documents that comprises 'material considerations' including the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).
- 3.3 Within the Decision Notice, the Council refers to the following Development Plan policies within the reason for refusal:

#### **Ribble Valley Borough Council Core Strategy: Core Strategy**

- Key Statement EN2 - Landscape;
- Key Statement EN5 – Heritage Assets;
- Policy DMG1 – General Considerations;
- Policy DMG2 – Strategic Considerations;
- Policy DMB3 - Recreation and Tourism Development;
- Policy DME4 – Protecting Heritage Assets.

#### **Key Statement EN2 – Landscape**

- 3.4 This policy focuses primarily on the Forest of Bowland AONB and details how 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.

3.5 The Appellant has submitted a Landscape Assessment to demonstrate that the landscape impacts of the proposed development are minimised, given its location in the AONB. Further details are provided in the subsequent section of this Statement of Case.

#### Key Statement EN5 – Heritage Assets

3.6 This Key Statement details that there will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings.

3.7 The Appellant has submitted a Heritage Statement which assesses the impact of the proposed development on the heritage asset near the site. Whilst it is demonstrated that the impacts on heritage assets are ultimately minimal, it is important to consider how the additional revenue generated using the pods, in connection with Eaves Hall as a wedding venue, will help to underpin the optimum viable use of the heritage asset.

#### Policy DMG1 – General Considerations

5.1. General Considerations assists in ensuring that development proposals are in line with numerous broad criteria by providing a series of overarching considerations regarding the quality of developments. The policy categorises the criteria under 6 headings which are as follows:

- Design;
- Access;
- Amenity;
- Environment;
- Infrastructure;
- Other.

3.8 In this instance, the Appellant considers the original approval for the 15 no. cabins a very significant material consideration in favour of the amendments. The amended

pods and their locations are ultimately very similar to what has been already approved and represents the valid fall-back position. The Appellant considers that the current proposal continues to promote high quality design, which is befitting of the local landscape and does not detract from the natural beauty of the AONB. It is considered that the design and layout changes proposed, including reducing the glazing and overall size of the cabins, further improves the design and reduces the developments impact on the surrounding landscape.

#### Policy DMG2 – Strategic Considerations

- 3.9 This Policy outlines further strategic considerations for the purposes of delivering sustainable development. It details 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 by virtue of its size, design, use of materials, landscaping and siting.
- 3.10 In relation to the Forest of Bowland AONB, the Policy states that the Council will have regard to the economic and social wellbeing of the area. However, the most important consideration in the assessment will be the protection, conservation and enhancement of the landscape and character of the area. Furthermore, 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.

#### Policy DMB3 - Recreation and Tourism Development

- 3.11 This policy supports proposals which extend the range of tourism and visitor facilities within the Borough. This is subject to a range of criteria being met, including being well related to an existing settlement, respecting the visual amenity of the area, being well related to the existing highways network and provide appropriate parking provision.
- 3.12 Given that planning permission has already been granted under ref. 3/2020/0544, it is assumed that the LPA's only objections relate to a perceived impact on visual amenities, which is addressed in-full as via this appeal. Nevertheless, the Appellant seeks to

provide a high-quality scheme which increases the tourism offering within the rural area. The self-contained accommodation provides wedding guests with plumbing, log burners and hot tubs. The small-scale nature of the proposals ensures there is not a significant increase in car usage linked with the development. Indeed, guests would inevitably be travelling to Eaves Hall to attend a wedding event and the provision of lodges will reduce the need for guests to travel to accommodation elsewhere within the Borough.

#### Policy DME4 – Protecting Heritage Assets

- 3.13 This policy details that development proposals on sites within the setting of listed buildings which cause harm to the significance of the heritage asset will not be supported.
- 3.14 As explained above, this Policy is considered within the submitted Heritage Statement. Material weight must nevertheless be attributed to the benefits that will result from generating extra revenue, which can sustain the long-term optimum viable use of the Eaves Hall.

#### ***National Planning Policy Framework (NPPF) (2021)***

- 3.15 Section 15 of the NPPF focuses on conserving and enhancing the natural environment. Paragraph 176 details that:

*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

3.16 Section 16 of the NPPF deals with conserving and enhancing the natural environment. Paragraph 197 states that:

*In determining applications, local planning authorities should take account of:*

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability;*
- c) The desirability of new development making a positive contribution to local character and distinctiveness.*

3.17 Paragraph 202 states that;

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum use.'*

3.18 Notwithstanding the above, it is very important to consider how Section 2 of the NPPF stresses that the purpose of the planning system is to contribute to the achievement of sustainable development. Development must secure net gains to economic, social and environmental objectives, which should be seen as interdependent and to be pursued in mutually supportive ways.

## **/4 CASE FOR THE APPELLANT**

4.1 The Decision Notice specifies a single RfR:

1. *The proposed lodges, by virtue of their design, external appearance and elevational language, would 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 Area of Outstanding Natural Beauty and the setting of Grade II Listed Eaves Hall contrary Key Statements EN2 and EN5 and policies DMG1, DMG2, DMB3 and DME4 of the Ribble Valley Core Strategy.*

### **Visual Amenity**

4.2 The Delegated Report for the application, offered support for the proposed development in this respect noting the following:

*'It is considered that the site is well-located so as to avoid any uninterrupted close or long-distance views of the proposed development. The site is bounded by dense vegetation and trees along its eastern and western boundaries.*

*The proposed alterations to the site layout includes reorientation of the lodges from a north-west to south-east orientation to north-east to south-west. This does not raise any significant concerns and the overall layout of the site including the car park, access tracks and soft landscaping remains generally the same.'*

4.3 The above extract illustrates the LPA deemed the development itself and re-orientation of the lodges, not to result in an unacceptable impact upon the landscape character and natural beauty of the AONB. However, it was considered that the proposed replacement lodges, whilst being lesser in footprint and height to those originally approved, are considered not to represent the highest quality of design. The Delegated Report further details that:

*'The style, external materials and fenestration are somewhat incongruous and would fail to protect, conserve or enhance the AONB which is afforded the highest status of protection in relation landscape and scenic beauty.'*

- 4.4 This is disputed by the Appellant, as it is considered that the style, choice of materials and fenestration actually provides a more suitable integration into the landscape than the approved lodges under permission ref. 3/2020/0544. This is achieved through the reduction in footprint and height, use of a spruce shingle external material and a reduced number of window openings within the proposed lodges.
- 4.5 Furthermore, a Landscape Assessment has been submitted in support of this appeal, which details that the proposed development would have a negligible impact on the wider landscape and the proposed development is minimised given the undulating topography. In terms of the site itself, the effects would be reduced to slight-moderate following the installation of landscaping mitigation. Once the landscape mitigation is established, the development will be physically and visually contained by the topography and vegetation so that the quality and value of these landscapes would still be maintained, and it will provide the opportunity to establish a strong interface between the site and the open countryside. The only receptor post-mitigation, which would experience a slight-moderate adverse effect is the view from the grounds of Eaves Hall to the south of the site; this is due to the proximity of the receptor to the development site. The remainder of the receptors identified will have negligible effects.
- 4.6 The topography and surrounding vegetation prevents the development from having a significant visual impact on the wider landscape and restricts views to those relatively close to the site. The layout of the eco-lodges, the site arrangements and landscaping will play an important role in ensuring that the development is integrated as effectively as possible. Once established the mitigation measures will help the development become a more integral part of the landscape and views will be restricted to those closest to the site.
- 4.7 The Appellant has ensured the landscape impact of the proposed development are minimised given its location within the AONB. Further details are provided in the

subsequent section, but the information provided during the determination period resulted in the LPA being supportive of the scheme in relation to the impact on the AONB, overcoming the concerns raised in the AONB Partnership's comments, who were not however reconsulted following the changes. This information included further landscape details on tree constraints and planting, whilst also reducing the glazing and scale of the proposed cabins to ensure the development conserved the AONB's landscape and scenic beauty. It is therefore considered that the proposal fully accords with Key Statement EN2.

- 4.8 It is also noted that no consultee response from was received the AONB Partnership in relation to this application.

### **Heritage Assets**

- 4.9 Part two of the Delegated Report details that the impact of the development on the heritage asset's significance. The Delegated Report states that:

*'The previous application was supported by a Heritage Statement referring to the application site as, 'the top field'...an unused parcel of land to the rear of Eaves Hall. It has never been developed and has been an empty part of the estate since 1847. It is identified as a negative factor which detracts from the setting of Eaves Hall due to its disused and overgrown appearance. At the time of my site visit parts of the site to the south had piles of rubble, tarmac and building materials and had an unkept appearance. Nonetheless, the remainder of the site to the north was an open meadow and I do not necessarily agree that the disuse and overgrown appearance of the land has a negative impact on the setting of Eaves Hall.'*

- 4.10 Given that the principle of development has been accepted through the previous permission ref. 3/2020/0544, the matter at hand relates to whether the proposed proposal will harm the significances of the listed building over and above the impact of the proposed scheme. In this respect, the Delegated Report details that:

*'No harm to the setting of the listed building was identified as part of the previous planning application as the design and appearance of the lodges were considered to be*

*sympathetic to their setting and were of a high-quality design. However, given the abovementioned concern regarding the design and appearance of the proposed new lodge types, it is considered that there would be some harm to the setting of Eaves Hall arising from the proposals. The NPPF at paragraph 202 states, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.*

- 4.11 Key Statement EN5 details that there will be a presumption in favour of the conservation and enhancement of the significance of the heritage asset and their settings. Furthermore, Policy DME4 states that development proposals on sites within the setting of a listed building, which cause harm to the significance of the heritage asset will not be supported. This appeal is accompanied by a Heritage Statement which assesses the impacts of the development on the heritage asset near the site. The Heritage Statement found that the primary heritage significance of the building relates to its external appearance from the site and the way in which it provides insight into its historic nature in an illustrative manner. In considering the impacts, the proposed variations may have, it was found that they are of a slight difference aesthetically, they will not harm the heritage significance and will remain consistent with the requirements of the approved scheme. Therefore, it is considered that there is no conflict with Key Statement EN5 and Policy DME4.
- 4.12 In terms of design and appearance, the heritage assessment considers that the proposed variation to the orientation of the lodges from facing east to facing south will result in no harm. Furthermore, given that the approved scheme included lodges which were 3.2m in height and the proposed scheme comprises of lodges of 2.5m in height, it is considered that this is a beneficial improvement to the scheme.
- 4.13 The Heritage Statement further details at Paragraph 4.16 that no harm will accrue because of the change in materials. The proposed alterations comprise of a change in roof material from sedum moss to timber shingles. The lodges will remain clad in timber as per the approved scheme. It is considered that the setting of Eaves Hall that

contributes to its significance is located to the south of the building (not the appeal site to the north). Therefore, the harm to the significance of the building, by virtue of the proposals, is remote due to their siting far to the rear. Additionally, the lesser height of the proposed lodges helps mitigate any remaining concerns.

4.14 It is considered that whilst there is a slightly different aesthetics to the proposed scheme, the impacts of the proposed variations would not harm the heritage significance and will remain consistent with the requirements of the approved scheme. As detailed in the submitted heritage statement at Paragraph 5.2, there appears to be no reason as to why the proposed variations should not be approved on heritage grounds. It is also considered that this proposal provides an accommodation solution for the popular 'picture box' wedding venue, without causing harm to the listed building. Whereas alternative options to provide much needed accommodation on the site, such as an extension to the listed building could be detrimental to the listed building itself and the surrounding setting. Furthermore, bearing in mind Paragraph 202 of the NPPF, if there are less than substantial harms, then these should be hugely outweighed by the public benefits of assisting in generating further revenue streams for the associated Eaves Hall wedding venue – helping to underpin the long-term optimum viable use of the heritage asset.

4.15 It is therefore considered that the proposals are deemed to accord with Policy DMG1 and DMG2, achieving quality design. As discussed above, careful consideration has been given to providing high standards of design which make a positive contribution and protect the natural beauty of the AONB. The incorporation of appropriate materials and scale ensure the lodges are fitting within the landscape, ensuring the built form of the lodges nestles within the landscape and does not detract from the natural beauty of the AONB in terms of size, design, use of material, landscaping and siting. The Landscape Assessment submitted as part of the application supports the design of the development, stating the following in the summary section:

*"The landscape effects of the proposed development would be negligible for the wider landscape. For the site itself, effects would be reduced to slight-moderate. Once the*

*landscape mitigation is established, the development will be physically and visually contained by the topography and vegetation so the quality and value of these landscapes would still be maintained and it will provide the opportunity to establish a strong interface between the site and the open countryside.*

*The topography and surrounding vegetation prevents the development from having a significant visual impact on the wider landscape and restricts views to those relatively close to the site.*

*The layout of the eco-lodges, the site arrangements and landscaping will play an important role in ensuring that the development is integrated as effectively as possible. Once established the mitigation measures will help the development become a more integral part of the landscape and views will be restricted to those closest to the site.”*

- 4.16 Considering the above, the design of the proposals is considered to fully comply with Policy DMG1 and DMG2.
- 4.17 In terms of Policy DMB3, the Appellant has sought to provide a high-quality scheme which increases the tourism offering within the borough. Given the principle of development at the site has been approved under the previous approval, this demonstrates that the proposals are of an appropriate scale for the site and will not have a detrimental impact on the natural landscape character of the area. Any perceived landscape harm from the proposals should also be balanced against the tourism benefits the proposals will bring to the area, as well and the long-term optimum viable use of Eaves Hall. Furthermore, it is considered that the proposals are well placed to provide for the clear need for visitor accommodation and will provide an economic boost for the local area. It is therefore considered any minimal landscape impact from the proposals are outweighed by these benefits.
- 4.18 The evidence presented in this Statement of Case demonstrates how the proposed development is in full accordance with the Development Plan for Ribble Valley and policy conflicts raised in the RfR are unjustified.

- 4.19 In relation to the policy conflicts noted within the RfR, the proposals are deemed to fully accord with Key Statements EN2 and EN5 and Policies DMG1, DMG2, DMB3 and DME4 of the Ribble Valley Core Strategy.
- 4.20 The application also sought to provide information to discharge a number of conditions relating to the original consent (permission ref. 3/2020/0544). Information was provided to the LPA as part of the application to discharge these conditions. Therefore, the original conditions attached to the original permission ref. 3/2020/0544 have been detailed below, alongside suggested rewording to these conditions following the submission of the additional information within application ref. 3/2021/1020.

### **Original Conditions**

#### ***Condition 2***

Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawing ref.

- Location Plan
- Existing Site Plan 1813/EX01 rev.A
- Proposed Site Plan 1813/PL01 rev.B (received 28.09.2020)
- Proposed Eco Lodge 1 Bed 1813/PL02 rev.A
- Proposed Eco Lodge 2 Bed 1813/PL03 rev.A
- Details 1813/PL04 rev.B (received 24.09.2020)

Reason: For the avoidance of doubt since the proposal was the subject of agreed design improvements/amendments and to clarify which plans are relevant to the consent.

#### ***Condition 3***

Notwithstanding the submitted details, precise specifications or samples of external facing and roofing materials shall have been approved before their use in the proposed development. The materials shall be implemented within the development in strict

accordance with the approved details submitted to and approved by the Local Planning Authority.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

***Condition 4***

The development hereby permitted shall not be commenced until details of the landscaping of the site, including the retention of existing trees and hedges, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

All trees and hedgerows identified to be retained within influencing distance of the development will be adequately protected during construction, in accordance with BS5837; 2012 'Trees in relation to design, demolition and construction' equivalent unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the development.

Reason: To ensure the proposal is satisfactorily landscaped and appropriate to the locality.

***Condition 5***

Within three months of the commencement of development, the siting, details of the construction and design of external refuse recycling/bin stores and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The duly approved facilities shall be made available for use before the development hereby approved is first occupied and retained thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interest of visual amenity.

***Condition 12***

No development shall take place until details of a landscaping and maintenance scheme of the land within the approved visibility splays have been submitted to, and approved in writing by, the local planning authority in consultation with the highway authority.

Reason: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety.

***Condition 14***

No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

A final surface water drainage layout plan; appropriately labelled to include all pipe/infrastructure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);

A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period , plus an appropriate allowance for climate change and urban creep. The calculations must demonstrate that the surface runoff from the application site will not exceed existing pre-development surface water runoff rates and volumes for the corresponding rainfall intensity.

A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network.

Confirmation of how surface water runoff will be managed within any non-drained areas of the site, i.e. verges, gardens and public open space.

A final site plan showing all overland flow routes and flood water exceedance routes, both on and off the site;

Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and

Details of how the surface water drainage network will be managed and maintained over the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation or completion of the development whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons: To ensure that the proposed development can be adequately drained; to ensure that there is no flood risk on or off the site resulting from the proposed development; to ensure water quality is not determinately impacted by the development proposal; and to ensure appropriate maintenance mechanisms are put in place for the lifetime of the development.

***Condition 15***

No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Reasons: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere; to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

***Condition 16***

Prior to the commencement of any development full details of the proposed surface water attenuation ponds and all other water bodies on site shall be submitted to, and approved in writing by, the Local Planning Authority.

For the avoidance of doubt the submitted information shall include existing and proposed sections through each pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments where applicable.

The development shall be carried out in strict accordance with the approved details and the attenuation ponds and/or other water bodies shall be constructed and operational prior to first use of the site.

Reason: To ensure a satisfactory form of development in the interests of visual amenity and to ensure the Local Planning Authority can make an accurate assessment of the details relating to matters of flood risk and sustainable drainage.

***Condition 19***

No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

The parking of vehicles of site operatives and visitors

The loading and unloading of plant and materials

Details of working hours

Routing of delivery vehicles to/from the site

Reason: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development.

### ***Condition 22***

No development shall take place until details of provisions to be made for species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites, have been submitted to, and approved in writing by the Local Planning Authority.

- 4.21 The details shall be submitted on a site plan and include details of the numbers of artificial bird nesting boxes and artificial bat roosting sites to be provided on trees within the site. The artificial bird/bat boxes shall be provided before the development is first brought into use and retained as such thereafter.

Reason: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species.

### **Recommended Reworded Conditions**

#### ***Condition 2***

Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawing ref.

- Location Plan
- Existing Site Plan 1813/EX01 rev.A
- Proposed Site Plan 2148\_PL01 revD
- Proposed Eco Lodge 2148\_PL04 revB
- Refuse and Cycle Storage 2148\_PL05 revA
- Site Entrance Plan 2148\_PL10 revB

Reason: For the avoidance of doubt since the proposal was the subject of agreed design improvements/amendments and to clarify which plans are relevant to the consent.

#### ***Condition 3***

The development hereby permitted shall be carried out in accordance with the materials installed on the lodges on site and remain in perpetuity unless agreed with the Local Planning Authority.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

***Condition 4***

The development hereby permitted shall be implemented in accordance with the landscaping plan detailed on Plan ref. 2148\_PL01. Any vegetation removed without the Local Planning Authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during a period of five years following occupation shall be replaced and/or shall receive remedial action as required by the Authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the authority in writing.

All trees and hedgerows identified to be retained within influencing distance of the development will be adequately protected during construction, in accordance with BS5837; 2012 'Trees in relation to design, demolition and construction' equivalent unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the development.

Reason: To ensure the proposal is satisfactorily landscaped and appropriate to the locality.

***Condition 5***

The development shall be implemented in accordance with the siting, details of the construction and design of external refuse recycling/bin stores and cycle storage detailed on plan ref. 2148\_PL05. The duly approved facilities shall be made available for use before the development hereby approved is first occupied and retained thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interest of visual amenity.

***Condition 12***

The development shall be implemented in accordance with the details and maintenance strategy provided within plan ref. 2148\_P10. The maintenance strategy shall be completed in perpetuity to ensure satisfactory visibility splays at the entrance to the development.

Reason: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety.

***Condition 14***

The development shall be completed in accordance with the Surface Water Drainage scheme completed by Reid Jones Partnership (dated September 2021).

The scheme shall be implemented in accordance with the approved details prior to first occupation or completion of the development whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons: To ensure that the proposed development can be adequately drained; to ensure that there is no flood risk on or off the site resulting from the proposed development; to ensure water quality is not determinately impacted by the development proposal; and to ensure appropriate maintenance mechanisms are put in place for the lifetime of the development.

***Condition 15***

The development shall be constructed in accordance with the surface water and pollution prevention inline with the detailed in the Construction Management Plan completed by Stanton Andrews Architects and Surface Water Drainage Scheme completed by Reid Jones Partnership (dated September 2021).

Reasons: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere; to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

***Condition 16***

The development hereby approved should be carried out in accordance with the details of the proposed surface water attenuation ponds and all other water bodies detailed in the Proposed Site Plan ref. 2148\_P10.

The development shall be carried out in strict accordance with the approved details and the attenuation ponds and/or other water bodies shall be constructed and operational prior to first use of the site.

Reason: To ensure a satisfactory form of development in the interests of visual amenity and to ensure the Local Planning Authority can make an accurate assessment of the details relating to matters of flood risk and sustainable drainage.

***Condition 19***

The development shall be implemented in accordance with the Construction Management Plan completed by Stanton Andrews Architects, which provides details on:

The parking of vehicles of site operatives and visitors

The loading and unloading of plant and materials

Details of working hours

Routing of delivery vehicles to/from the site

Reason: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development.

***Condition 22***

- 4.22 The development shall be completed in accordance with the provisions to be made for species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites, as detailed within the Proposed Site Plan (ref. 2148\_PL01) and the Surface Water Drainage Scheme completed by Reid Jones Partnership (September 2021). The artificial bird/bat boxes shall be provided before the development is first brought into use and retained as such thereafter.

Reason: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species.

## **/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 The evidence presented demonstrates how the proposed development has overcome the reason for refusal. The Landscape Assessment demonstrates how the proposed scheme has limited impacts on the AONB and the Heritage Assessment which concludes that there will be no impact on the significance of the Heritage Asset. Significant work has been undertaken to demonstrate how the proposals are acceptable in terms of landscape impact and conservation aims, with the siting, design, scale and landscaping associated with the lodges ensuring harms are limited. Furthermore, any limited harms that could be perceived as a result of the development are demonstrably outweighed by the public benefits and economic, social and environmental gains that would be secured through support for the wedding venue business and keeping the heritage asset in an active use.
- 5.3 Also, it is also considered that this proposal provides a much-needed appropriate accommodation solution for the popular wedding venue, without causing harm to the listed building. Whereas alternative options to provide accommodation on the site, such as an extension to the listed building would be detrimental to the listed building itself and the surrounding setting.
- 5.4 The proposed development is ultimately compliant with the Development Plan and achieves sustainable development, as per the NPPF. There are no significant or demonstrable harms arising from the proposed development that could outweigh the very clear benefits.
- 5.5 The Inspector is respectfully requested to allow this appeal and grant planning permission.



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