



pwa planning

GETTING DEVELOPMENT MOVING

Pendle View, Lovely Hall Lane, Copster Green, BB1 9EQ.

Conversion of 2no. Holiday Lets into 1no. Dwellinghouse

APPEAL STATEMENT

April 2022



PWA Planning is a trading name of Paul Walton Associates Ltd.
Registered in England and Wales no. 8605706. Registered Address:
316 Blackpool Road, Fulwood, Preston PR2 3AE

2 Lockside Office Park
Lockside Road
Preston
PR2 2YS

01772 369 669
info@pwaplanning.co.uk
www.pwaplanning.co.uk

REPORT CONTROL

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| Client | Mr Mike Melville |
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/1 INTRODUCTION

1.1. PWA Planning is retained by Mr Mike Melville ('the applicant') to lodge an appeal against the refusal of planning application ref: 3/2021/1155 by Ribble Valley Borough Council (the LPA) in relation to a proposed development at Pendle View, Lovely Hall Lane, Copster Green, BB1 9EQ (application site) for the following development:

"Conversion of 2 no. holiday lets into 1 no. dwellinghouse".

1.2. The application for full planning permission was submitted to the Council on the 10th of November 2021 and was accompanied by appropriate plans and supporting information. The application was subsequently refused on the 25th of March 2022.

1.3. The application had three reasons for refusal which in short related to the acceptability of the proposed use and the sustainability of the location. The reasons for refusal and the appellant's rebuttal to this is explored in Section 4 of this statement.

1.4. This appeal is made under section 78 of the Town and Country Planning Act 1990, and this statement of case has been prepared in response to the reason for refusal. It should be read in conjunction with the other submitted documents and drawings that formed part of the original planning application and which form part of the essential documents provided as part of the appeal submissions.

1.5. A complete list of the submission documents and documents submitted with the appeal is provided in the submitted Appeal Document List.

/2 SITE DESCRIPTION, PLANNING HISTORY AND PROPOSED DEVELOPMENT

- 2.1. A full description of the site and the proposed development is provided in the submitted Planning Statement and the supporting plans. A summary of these matters is provided below along with the planning history of the site.

The Site

- 2.2. The application site extends to approximately 0.08 hectares in size and relates to a property known as Pendle View which is situated to the south of Lovely Hall Lane, off Longsight Road, Copster Green. The property was originally a dwellinghouse and then became a dwelling and cafe before consent was granted in 2000 for the conversion of the building into 2 dwellings. Later in the same year planning permission was granted for change of use to a child nursery. In 2016 its conversion back to a residential use was refused and instead the property was divided into two holiday lets.
- 2.3. Lovely Hall Lane is characterised by residential properties, to the east of the site is open agricultural land, whilst to the immediate south, north and west are further residential properties. The application site sits within the defined Copster Green settlement boundary.
- 2.4. The aerial image in Figure 1 below illustrates the site within its local setting.

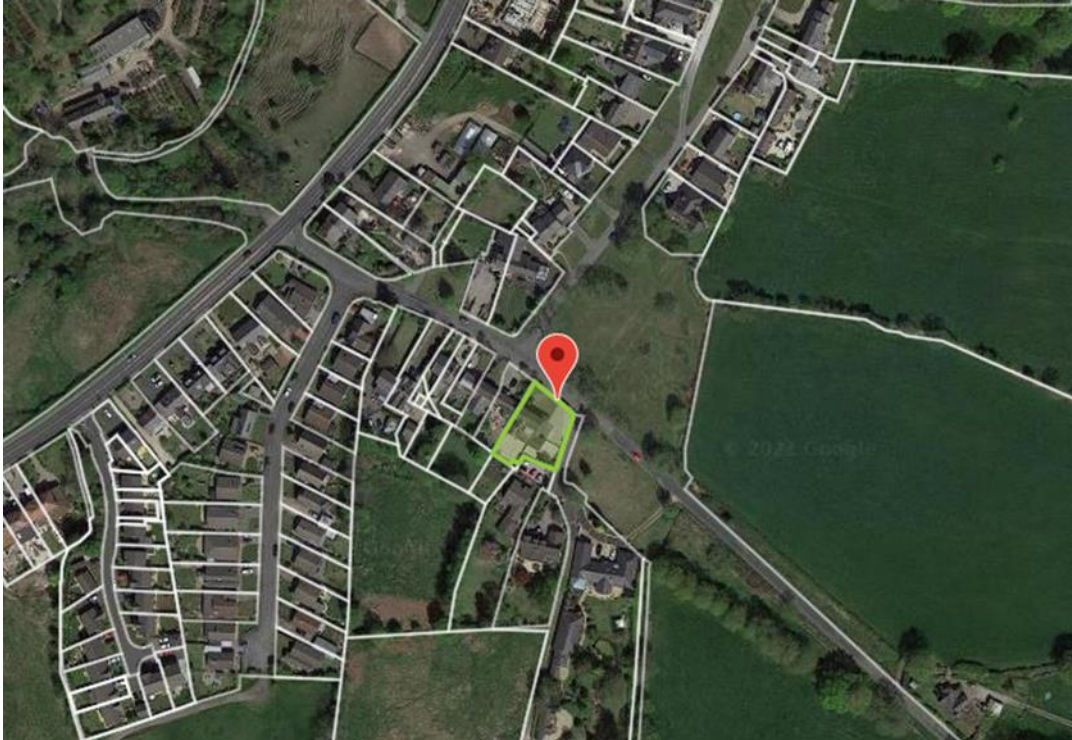


Figure 1: Aerial image showing the location of the site (not to scale) (Source: Landinsights)

- 2.5. There are no cultural heritage designations or ecological constraints associated with the site itself or its immediate vicinity. The site lies wholly within Flood Zone 1, where the risk of flooding is at its lowest.

Planning History

- 2.6. The appeal site has an extensive planning history, prior to 2000 the building operated as a dwelling and a café but was granted consent to operate as two independent dwellings in April of that year (**app ref 3/2000/0077**). However, the following month consent was granted to convert the building into a child nurse's office (**app ref 3/2000/0165**), which was a permission that was implemented. Following a refused attempt to convert the building into two apartments in 2016 (**app ref: 3/2016/0620**), consent was granted in February 2017 for conversion into two holiday lets (**app ref: 3/2017/0008**). Prior to this application a Section 73 application was submitted to vary the occupancy condition which was refused in July 2021 (**app ref: 3/2021/0614**).

Proposed Development

2.7. The application proposes the conversion of two holiday let apartments into one dwelling. The proposal doesn't induce any notable expansion of the property, it is an existing building with a previous history of residential occupation.

2.8. The proposed external alterations are noted below:

- Northern Elevation (Primary elevation) – demolition of large porch and replacement with smaller enclosed central porch
- Southern Elevation (Rear elevation) – extension of lower roof plane across the rear of the property and replacement of dormer to match existing.
- Eastern Elevation – removal of porch blocking up of existing door openings.

/3 RELEVANT PLANNING POLICY

- 3.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that:
"Where in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."
- 3.2 In this instance, the Development Plan for the application site comprises of the Ribble Valley Borough Council Core Strategy 2008 – 2028 (2014) and the Housing and Economic Development – Development Plan Document (2019). Additionally, key policy documents that comprise 'material considerations' include the National Planning Policy Framework 2021 (NPPF), and any local supplementary planning guidance documents considered relevant to the proposal.
- 3.3 As can be seen from the below extract from the Ribble Valley Local Plan Proposals Map (2016) provided at Figure 2, the site is designated under Policy DS1 given its location within the settlement boundary of Copster Green.

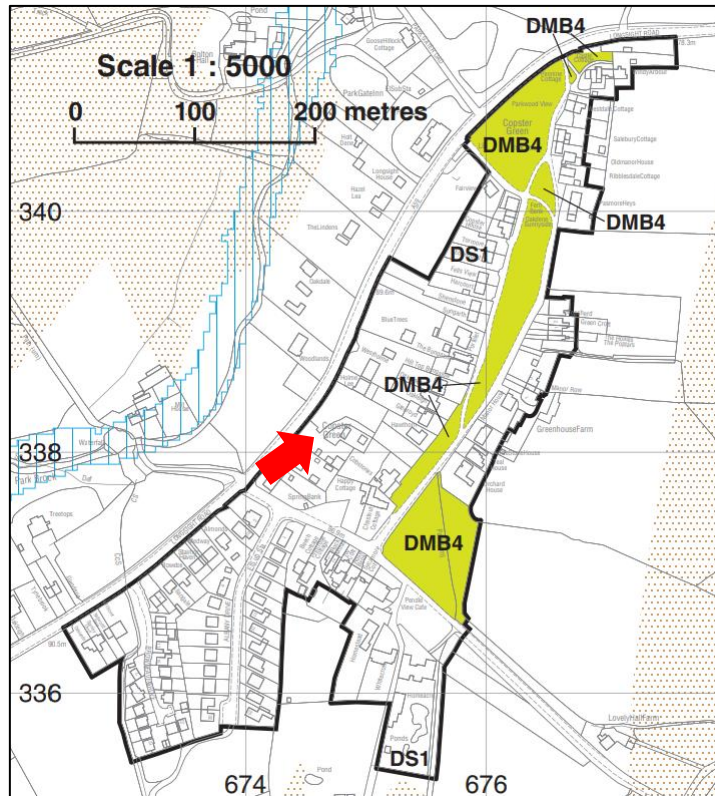


Figure 2: Ribble Valley Local Plan Proposals Map (2016)

3.4 The reasons for refusal noted in the Decision Notice (included in Appendix A) make reference to the following policies:

3.5 Ribble Valley Core Strategy 2008-2028:

- Key Statement DS1: Development Strategy;
- Key Statement DS2: Sustainable Development;
- Key Statement DMI2: Transport Considerations;
- Policy DMG2: Strategic considerations;
- Policy DMG3:
- Policy DMH4: The Conversion of Barns and Other Buildings to Dwellings;
- National Planning Policy Framework (NPPF)

Key Statement DS1 – Development Strategy

- 3.6 Key Statement DS1 looks to the priority areas of new development, which includes Clitheroe, Longridge and Whalley. It describes Copster Green as a Tier 2 Village settlement which is considered less sustainable for new development than other villages within the Local Authority.

Key Statement DS2 – Sustainable Development

- 3.7 Key Statement DS2 looks to mirror Paragraph 11 of the NPPF which details the sustainable development principles that seeks to guide both authorities and developers. Further to that, it places emphasis on the Council to develop proactive relationships with applicants to ensure where possible applications are approved unless material considerations indicate otherwise.

- 3.8 The policy aims to protect, conserve, and enhance the AONB, expecting development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials. The policy expresses that the open countryside is protected from inappropriate development.

Key Statement DMI2 – Transport Considerations

- 3.9 This policy outlines that new development should be located to minimise the need to travel. Also, it should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for travel by private car

Policy DMG2 – Strategic Considerations

- 3.10 The policy details further strategic considerations that development proposals should accord with. The policy assists in the interpretation of the Development Strategy and underpins the settlement hierarchy for the purposes of delivering sustainable development.

Policy DMG3

- 3.11 This Policy follows on from Policy DMI2 in detailing that development proposals will be assessed against the availability and adequacy of public transport and existing

transport infrastructure. This extends to being well located to the existing highway network and existing centres, as well as being served well by sustainable transport and promoting developments which accommodate well for pedestrians, cyclists and those with reduced mobility.

Policy DMH4: The Conversion of Barns and Other Buildings to Dwellings

3.12 The Policy DMH4: The Conversion of Barns and Other Buildings to Dwellings states planning permission will be granted for the conversion of buildings to dwellings where:

1. *The building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of an already group of buildings, and*
2. *There need be no unnecessary expenditure by public authorities and utilities on the provision of infrastructure, and*
3. *There would be no materially damaging effect on the landscape qualities of the area or harm to nature conservations interests, and*
4. *There would be no detrimental effect on the rural economy, and*
5. *The proposals are consistent with the conservation of the natural beauty of the area.*
6. *That any existing nature conservation aspects of the existing structure are properly surveyed and where judged to be significant preserved or, if this is not possible, then any loss adequately mitigated.*

The building to be converted must:

1. *Be structurally sound and capable of conversion for the proposed use without the need for extensive building or major alternation, which would adversely affect the character or appearance of the building. the council will require a structural survey to be submitted with all planning application of this nature. this should include plans of any rebuilding that is proposed;*

2. *Be of a sufficient size to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building, and*
3. *The character of the building and its materials are appropriate to its surroundings and the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting, and*
4. *The building has a genuine history of use for agriculture or another rural enterprise.*

National Planning Policy Framework (NPPF)

- 3.13 The NPPF is a material consideration in planning decisions as per Paragraph 2 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 3.14 The Framework sets out the Government's presumption in favour of sustainable development (Paragraph 11) whereby developments which correctly balance the requirements of economic, social and environmental issues should be granted planning permission unless there are strong reasons that permission should not be granted.
- 3.15 Sustainable development is broadly defined in Paragraph 8 of the Framework as having three overarching objectives:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving

biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

/4 CASE FOR THE APPLANT

4.1 There were three reasons for refusal included on the decision notice:

1. *'The proposal is considered contrary to Policy DMH4 in that the building to which the application relates does not benefit from a historic use for agricultural uses or a rural enterprise.*
2. *The proposal is considered contrary to Key Statements DS1, DS2, and Policy DMG2 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of a new residential dwelling within a Tier 2 settlement, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need*
3. *The creation of a new residential dwelling in this location would perpetuate an already unsustainable pattern of residential development, without sufficient or adequate justification, insofar that occupants of the residential dwelling would fail to benefit from adequate walkable access to local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.*

4.2 Contrary to the assertions of the LPA, it is considered that the proposed development fully accords with the provisions of the development plan, specifically policy DMG2 and Policy DMH4 of the Ribble Valley Core Strategy.

4.3 The following section will look to respond to each reason for refusal in isolation. However, given that an application for a similar development at the appeal site was previously refused (app ref: 3/2016/0620), the Planning Statement which accompanied the application was already able to respond directly to the previous reasons for refusal,

which were largely replicated for the application at hand. As such the Appellant would politely request the inspector also give detailed consideration to Section 5 of said Planning Statement, which is included within Appendix C of this document.

Reason for Refusal One

- 4.4 The submitted Planning Statement made reference to the fact that given the proposal constitutes the change of use of a building, which the Council view to be rurally located, that Policy DMH4 - The Conversion of Barns and Other Buildings to Dwellings, is a relevant policy which supports the proposals. Said policy includes an extensive list of ten criteria which must be satisfied. In disputing the proposals adherence to the policy the Council only suggest the development conflicts with the final provision, which reads as follows:

"The building has a genuine history of use for agriculture or another rural enterprise."

- 4.5 The Core Strategy offers no definition of what constitutes a rural enterprise. In the absence of such a definition I defer to the Cambridge Dictionary whereby 'enterprise' is defined as:

"an organization, especially a business, or a difficult and important plan, especially one that will earn money"

- 4.6 Other than separately stating agriculture, the policy does not detail a definitive list of sectors which can be considered a rural enterprise and as such taking the policy as it reads a rural enterprise is any commercial business which operates in what could be viewed as a rural location. The Council's report clearly places significant weight on the perception that Copster Green is a rural and unsustainable location and consequently it appears clear the proposal does adhere to the policy provision cited above and thus is permissible in the context of Policy DMH4.

Reason for Refusal Two

- 4.7 On the basis of the proposals adherence to Policy DMH4, it is not considered necessary for the proposal to constitute 'Local Needs Housing'. Policy DMH4 is an exception policy which allows for development in Tier 2 settlements and the Open Countryside where otherwise it wouldn't be permitted.
- 4.8 However on the basis that the Council maintain the development does not comply with Policy DMH4, I would refer back to the submitted Planning Statement which notes as follows in section 5.2:

"5.2. Key Statement DS1 relates to the spread of new development, it is a strategic policy which seeks to guide future growth to the areas deemed appropriate by the Council. This is enshrined further in Policy DMG2 which lists criteria for development within tier 2 settlements. The aforementioned refusal of application 3/2016/0620, failed to give sufficient weight to the locational situation of the property, it's previous uses and previous planning permissions. The application site represents a developed plot within the settlement boundary which historically was a dwellinghouse. These are all material considerations and clearly require the proposal to be considered differently to applications relating to new build residential development, the harm generated is not comparable. Moreover, whilst it is accepted that the policies do not draw a distinction, they are clearly in place in relation to new build development rather than proposals for a former dwelling to revert back to its previous lawful use. In this context it is more pertinent to give weight to surrounding land uses and the built form associated with the site.

5.3. The previous refusal seemingly does not give weight to the fact permission was granted in 2000 for the conversion of the building into 2 dwellings (3/2000/0077) and that prior to this the property was already a dwelling (and café). It's of fundamental importance in considering the proposals to give weight to the fact the property was originally a dwelling. The foundation for the previous refusal was the idea the application would establish a precedent and the unsustainable nature of the pattern of

development. Firstly, the granting of planning permission would not set a precedent, or at least not a negative one. The number of applications for former dwellings, within a settlement boundary, seeking permission to revert back to a dwelling must be extremely minimal. It is conceivably the case that a comparable proposal has not been made within the Borough since the application was refused in 2016. The prospect of this proposal, if consented, resulting in an influx of applications for similar changes of uses is negligible, as the parameters of the application are so infrequently seen. "

- 4.9 The above excerpts remain of significant relevance, the proposal would not result in unsustainable growth but the efficient use of brownfield space within the parameters of defined settlement. The appellant is not trying assert that Copster Green is an appropriate location for large scale expansion, or even the delivery of new build housing. But rather that the harm generated by the development is imperceptible and compliance with Policy DMH4 confirms the acceptability of the location for the development.

Reason for Refusal Three

- 4.10 The final reason for refusal continues the theme of 'unsustainable development', but rather focuses on access to amenities and reliance on the private car. Policy DMG2 notes the reuse of existing buildings is more sustainable and appropriate than new build development and this should be something which carries significant weight in the planning balance when assessing the sustainable credentials of a development. Policy DMH4 which promotes appropriate conversions, does not place a requirement for conversions to be sustainably located, surely this is an acknowledgement that such considerations are generally only relevant to new build development.
- 4.11 Notwithstanding this the property is within 300ms walk of a bus stop, located on the A59. This is a major route within the Borough's highway network and provides for sufficient access to more urban settlements – Clitheroe, Blackburn and Preston. Hence access to more sustainable forms of transport is readily available. Equally the proposals would result in the change of the building from 2no. holiday lets to 1no. dwelling which inevitably would result in the reduction in vehicle movements associated with the site and have a positive impact on the number of journeys made by private car.

- 4.12 The point has been made within this appeal statement that the policies referred to within the refusal are largely in place to govern the spread of new build development. Hence why considerations relating to access to local services were a more relevant consideration in the appeal referred to in the Officers Report (Appeal Ref: APP/T2350/W/15/3134524), which sought permission for nine new build dwellings. The proposal at hand is fundamentally different.
- 4.13 The Development Plan provides a direct avenue to allow the Council to view the proposal favourably and allow for development which is promoted by the NPPF, which in Paragraph 120 c) states that planning decisions should "*give substantial weight to the value of using suitable brownfield land within settlements for homes*". When assessing the harm generated by the proposal is abundantly clear the application should have been granted consent. On this basis and in relation to the policy discussion detailed in this section it is the appellant's view that the proposed development complies with the provisions of the development plan and that there are no material considerations which suggest permission should be withheld. We therefore respectfully ask that the appeal is allowed.

/5 CONCLUSIONS

- 5.1 PWA Planning is retained by Mr. Mike Melville to lodge an appeal against the refusal of planning application ref: 3/2021/0879 by Ribble Valley Borough Council in relation to development at Pendle View Nursery, Lovely Hall Lane, Copster Green, BB1 9EQ for the conversion of 2no. Holiday Lets into 1no. Dwellinghouse.
- 5.2 It is the appellant's firm view that the proposed development is compliant with the Development Plan and is an appropriate conversion which conforms to all provisions of the applicable policy DMH4. Further to that the proposal represents development on a brownfield site within the settlement boundary of Copster Green. The parameters of the proposal are as such that the granting of consent would not set a precedent given it is unlikely comparable exist. There is no harm generated by the proposal and it is the Appellants understanding that all neighbours are in favour of the application.
- 5.3 There are no material considerations which suggest permission should not be granted, and as such, the Inspector is respectfully asked to allow this appeal.

Appendices

APPENDIX A – 3/2021/1155 DECISION NOTICE

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

APPLICATION NO: 3/2021/1155

DECISION DATE: 25 March 2022

DATE RECEIVED: 10/11/2021

APPLICANT:

Mr Mike Melville
c/o Agent

AGENT:

Mr Joshua Hellawell
PWA Planning
2 Lockside Office Park
Lockside Road
Preston
PR2 2YS

DEVELOPMENT PROPOSED: Conversion of 2 no. holiday lets into 1 no. dwellinghouse

AT: Pendle View Lovely Hall Lane Copster Green BB1 9EQ

Ribble Valley Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission **has been refused** for the carrying out of the above development for the following reason(s):

- 1 The proposal is considered contrary to Policy DMH4 in that the building to which the application relates does not benefit from a historic use for agricultural uses or a rural enterprise.
- 2 The proposal is considered contrary to Key Statements DS1, DS2, and Policy DMG2 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of a new residential dwelling within a Tier 2 settlement, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need
- 3 The creation of a new residential dwelling in this location would perpetuate an already unsustainable pattern of residential development, without sufficient or adequate justification, insofar that occupants of the residential dwelling would fail to benefit from adequate walkable access to local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.

P.T.O.

Note(s)

- 1 Applications for planning permission are assessed against the National Planning Policy Framework and the policies within the Core Strategy for the Ribble Valley. The Local Planning Authority adopts a positive and proactive manner and will consider representations, liaise with consultees, and seek amendments to proposals where appropriate within statutory timescales.

- 2 The proposal does not comprise sustainable development and there were no amendments to the scheme, or conditions that could reasonably have been imposed, which could have made the development acceptable. It was therefore not possible to approve the application.

John Machole

pp NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

Notes

Right of Appeal

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

**RIBBLE VALLEY BOROUGH COUNCIL
REFUSAL OF PLANNING PERMISSION CONTINUED**

APPLICATION NO: 3/2021/1155

DECISION DATE: 25 March 2022


Purchase Notices

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

APPENDIX B - 3/2021/1155 - OFFICER'S REPORT

Report to be read in conjunction with the Decision Notice.

| | | | | | | | | |
|----------------|-----------------|--|--------------|--|-----------------|--|--------------|--|
| Signed: | Officer: | | Date: | | Manager: | | Date: | |
|----------------|-----------------|--|--------------|--|-----------------|--|--------------|--|

| | | |
|------------------------------------|-------------|--|
| Application Ref: | 3/2021/1155 |  <p>Ribble Valley Borough Council www.ribblevalley.gov.uk</p> |
| Date Inspected: | N/A | |
| Officer: | SK | |
| DELEGATED ITEM FILE REPORT: | | REFUSAL |

| | |
|---------------------------------|---|
| Development Description: | Conversion of 2 no. holiday lets into 1 no. dwellinghouse |
| Site Address/Location: | Pendle View Lovely Hall Lane Copster Green BB1 9EQ |

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| CONSULTATIONS: | Parish/Town Council |
| Salesbury parish Council have raised no objections to the proposal. | |

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| CONSULTATIONS: | Highways/Water Authority/Other Bodies |
| LCC Highways: | |

No objections subject to the imposition of conditions.

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| CONSULTATIONS: | Additional Representations. |
| No representations have been received in respect of the proposed development. | |

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
 Key Statement DMI2 – Transport Considerations
 Key Statement EC3 – Visitor Economy

Policy DMB3 - Recreation and Tourism
 Policy DMG1 – General Considerations
 Policy DMG2 – Strategic Considerations
 Policy DMG3 – Transport and Mobility
 Policy DME6 – Water Management

National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Technical Guidance to National Planning Policy Framework

Relevant Planning History:

3/2021/0614:

Variation of condition 7 of planning permission 3/2017/0008 - to modify the use of the holiday lets. (Refused)

3/2017/0008:

Proposed redevelopment of the existing childrens nursery to two holiday lets. (Approved)

3/2016/0620:

Proposed redevelopment of the existing child day care centre and first floor accommodation into two apartments. (Refused)

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to a two-storey semi-detached building that currently accommodates two holiday apartments. The site is located within the defined settlement limits of Copster Green which is designated as a Tier 2 settlement.

Proposed Development for which consent is sought:

The application seeks consent for the conversion of two holiday lets to that of a single residential dwelling. It is proposed that the ground floor will accommodate primary living accommodation (lounge/dining and kitchen) with two-bedrooms with an additional lounge being accommodated at first floor with three bedrooms also being provided on the floor.

Externally it is proposed that an existing wraparound porch will be removed from the north and east elevation with a domestic gabled porch being erected on the north elevation. Two double doors on the east elevation will be removed including the erection of a small infill extension to accommodate an en-suite bathroom.

It is proposed that the existing dormers on the rear (south) elevation will be altered with the existing flat-roofed dormer being reconfigured to a gabled configuration. The existing gabled dormer will also be altered with the existing window being relocated to a more centralised position. It is further proposed that a multi-fold door arrangement will be installed on the south elevation with alterations to the existing fenestrational arrangement also being proposed.

Principle of Development:

The proposal seeks consent for that of the creation of a new residential dwelling within a Tier 2 settlement, as such Policy DMG2 is primarily engaged for the purposes of assessing the principle of the creation of a new residential planning unit in this location.

Policy DMG2 of the Ribble Valley Core Strategy seeks to restrict residential development within the open countryside and Tier 2 Village settlements to that which meets a number of explicit criteria, with Key Statement DS1 also reaffirming these criteria and setting out the overall spatial aspirations for development within the Borough.

Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located 'in' principal and Tier 1 settlements with the second part of the policy DMG2(2) being engaged when a proposed development is located 'outside' defined settlement areas or within Tier 2 villages, with each part of the policy therefore being engaged in isolation and independent of the other dependant on the locational aspects of a proposal.

The mechanics and engagement of the policy are clear in this respect insofar that it contains explicit triggers as to when the former or latter criterion are applied and the triggers are purely locational and clearly based on a proposals relationship to defined settlement boundaries and whether, in this case, such a proposal is 'in' or 'outside' a defined settlement.

The proposal is located within the defined settlement limits, in this respect when assessing the locational aspects of development, it is the latter part of Policy DMG2 (Policy DMG2(2)) which remains engaged which states that:

Within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:

- 1. The development should be essential to the local economy or social wellbeing of the area.*
- 2. The development is needed for the purposes of forestry or agriculture.*
- 3. The development is for local needs housing which meets an identified need and is secured as such.*
- 4. The development is for small scale tourism or recreational developments appropriate to a rural area.*
- 5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*

In respect of the matter of 'local need', need is defined within the Adopted Core Strategy as '*Local needs housing is the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment*'.

No such information has been provided that would suggest the proposal is that for local needs housing that meets an identified need, nor can it be argued that the development is needed for the '*purposes of forestry or agriculture*'. As such, notwithstanding other development management considerations, the principle of the creation of a new residential dwelling in this location is in direct and clear conflict with the criterion of Policy DMG2.

Key Statement DS1 is also of relevance insofar that it further sets out the locational aspirations for new residential housing growth within the borough. In this respect DS1 states that '*in the 23 remaining Tier 2 Village settlements, which are the less sustainable of the 32 defined settlements, development will need to meet proven local needs or deliver regeneration benefits*'. Given the proposal is not that which meets a proven local need nor does it deliver any measurable regeneration benefits, it cannot be considered that the proposal aligns with the main aims and objectives of Key Statement DS1.

The supporting information states that the proposal is that of 'conversion', as such consideration must be given to the requirements of Policy DMH4. Policy DMH4 allows for the creation of new residential planning units through the conversion of existing buildings subject to such proposals meeting a number of explicit criterion, in this respect the Policy reads:

Planning permission will be granted for the conversion of buildings to dwellings where

- 1. The building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of an already group of buildings, and*
- 2. There need be no unnecessary expenditure by public authorities and utilities on the provision of infrastructure, and*
- 3. There would be no materially damaging effect on the landscape qualities of the area or harm to nature conservations interests, and*
- 4. There would be no detrimental effect on the rural economy, and*
- 5. The proposals are consistent with the conservation of the natural beauty of the area.*
- 6. That any existing nature conservation aspects of the existing structure are properly surveyed and where judged to be significant preserved or, if this is not possible, then any loss adequately mitigated.*

The building to be converted must:

1. *Be structurally sound and capable of conversion for the proposed use without the need for extensive building or major alternation, which would adversely affect the character or appearance of the building. the council will require a structural survey to be submitted with all planning application of this nature. this should include plans of any rebuilding that is proposed;*
2. *Be of a sufficient size to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building, and*
3. *The character of the building and its materials are appropriate to its surroundings and the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting, and*
4. *The building has a genuine history of use for agriculture or another rural enterprise.*

The building currently accommodates two holiday lets with the prior use being that of a childrens nursery. In this respect the proposal fails to meet the essential criterion of the latter part of Policy DMH4 insofar that the building does not benefit from a '*genuine history of use for agriculture or another rural enterprise*'.

As such, and taking account of the above matters, it can only be concluded that the proposal is considered contrary to Key Statement DS1 and Policies DMG2 and DMH4 of the Ribble Valley Core Strategy in that approval would lead to the creation of a new residential dwelling in a Tier 2 settlement, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need.

Notwithstanding the above identified conflict with the adopted development plan, given the Tier 2 location of the site, consideration must also be given in respect of the sustainability of the settlement and its appropriateness for accommodating further residential housing growth.

The settlement of Copster Green is devoid of any local services, this matter was clarified at historic appeal which related to housing development outside but directly adjacent the settlement (APP/T2350/W/15/3134524). In determining the appeal the inspector stated that '*The Framework makes clear at Paragraph 7 the importance of accessible local services and the site would perform poorly in that regard. The site does not fall within any defined settlement. It is next to Copster Green, but that is identified as a less sustainable 'Tier 2' settlement within the Core Strategy. The categorisation of the settlements was carried out as part of the evidence base for the 2014 Core Strategy and none of the evidence presented at this appeal casts serious doubt on it. Although the appellant has identified a range of services within a wider area, trips to reach them are likely to usually be made by car in my view. While there are bus stops close to the site, it appears that the bus services are limited. Thus, even daily basics such as bread or milk are likely to necessitate a car trip. Two railway stations are said to be 'within cycling distance' but I attach limited weight to that in respect of a proposal specifically aimed at older residents*'. The Inspector Further concluded that '*moreover, the lack of services and facilities close to the appeal site suggest that this is not the best location to meet housing needs*'.

Taking account of the above and that there are no adequate local services within the settlement of Copster Green that would provide for additional housing growth, it is considered that that occupants of the residential dwelling would fail to benefit from adequate walkable access to local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.

Impact Upon Residential Amenity:

Taken account of the proposed alterations, it is not considered that the proposal will result in any undue impact upon existing residential amenities by virtue of a loss of light, loss of privacy or overbearing impact.

| | |
|--|--|
| Visual Amenity/External Appearance: | |
| The alterations proposed largely preserve the inherent character of the existing building with the most fundamental alteration being the removal of the existing wraparound porch/veranda. As such and given there are no other significant alterations proposed, it is not considered that the proposal will result in any undue impact upon the character or visual amenities of the area. | |
| Landscape/Ecology: | |
| No implications resultant from the proposal. | |
| Observations/Consideration of Matters Raised/Conclusion: | |
| It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal. | |
| RECOMMENDATION: | That planning consent be refused for the following reason(s) |
| 01 | The proposal is considered contrary to Policy DMH4 in that the building to which the application relates does not benefit from a historic use for agricultural uses or a rural enterprise. |
| 02 | The proposal is considered contrary to Key Statements DS1, DS2, and Policy DMG2 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of a new residential dwelling within a Tier 2 settlement, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need |
| 03 | The creation of a new residential dwelling in this location would perpetuate an already unsustainable pattern of residential development, without sufficient or adequate justification, insofar that occupants of the residential dwelling would fail to benefit from adequate walkable access to local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development. |

**APPENDIX C – PLANNING STATEMENT ASSOCIATED WITH APPLICATION
3/2021/1155**



Pendle View, Lovely Hall Lane, Copster Green, BB1 9EQ

Conversion of 2no. Holiday Lets into 1no. Dwellinghouse

PLANNING STATEMENT

November 2021



PWA Planning is a trading name of Paul Walton Associates Ltd.
Registered in England and Wales no. 8605706. Registered Address:
316 Blackpool Road, Fulwood, Preston PR2 3AE

2 Lockside Office Park
Lockside Road
Preston
PR2 2YS

01772 369 669
info@pwaplanning.co.uk
www.pwaplanning.co.uk

REPORT CONTROL

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/1 INTRODUCTION

- 1.1. PWA Planning is retained by Mike Melville ('the Applicant') to progress a planning application for the conversion of two holiday lets into one dwellinghouse ('proposed development') at Pendle View Nursery, Lovely Hall Lane, Copster Green, BB1 9EQ ('application site'). This planning application is made to Ribble Valley Borough Council ('the Local Planning Authority') as a full application and relates to the red edge application site boundary defined by the submitted Location Plan.

- 1.2. 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. This Planning Statement will demonstrate that the proposals accord with the provisions of the relevant policies of the Development Plan, and moreover that there are other significant material considerations which indicate that planning permission ought to be granted. In addition, the statement will seek to demonstrate that there are no technical reasons which could hinder the grant of planning permission.

- 1.3. This statement should be read in conjunction with the submitted application package, which includes the following documents: -
 - 1 APP form, relevant certificates and notices.
 - Drawn information: -
 - Location Plan;
 - Existing Site Plan (ref. PHD/400);
 - Existing Plans and Elevations (ref. A2.1);
 - Proposed Site Plan (ref. PHD/667);
 - Proposed Plans and Elevations (ref. A1.4);
 - Planning Statement (this document).

1.4. The aforementioned documentation reflects the validation requirements of Ribble Valley Borough Council.

1.5. The remainder of this report is structured as follows: -

- Section 2 - Site Description;
- Section 3 - Proposed Development;
- Section 4 - Planning Policy Context;
- Section 5 - Planning Policy Assessment;
- Section 6 - Conclusions.

/2 SITE DESCRIPTION

- 2.1. The application site extends to approximately 0.08 hectares in size and relates to a property known as Pendle View which is situated to the south of Lovely Hall Lane, off Longsight Road, Copster Green. The property was originally a dwellinghouse and then became a dwelling and cafe before consent was granted in 2000 for the conversion of the building into 2 dwellings. Later in the same year planning permission was granted for change of use to a child nursery. In 2016 its conversion back to a residential use was refused and instead the property was divided into two holiday lets.
- 2.2. Throughout the course of the various uses the building was not subject to any significant external alterations and as such reads very much as a residential dwelling, especially when viewed in the context of Lovely Hall Lane which is characterised by residential properties. To the east of the site is open agricultural land, whilst to the immediate south, north and west are further residential properties. The application site sits within the defined Copster Green settlement boundary.
- 2.3. The application site is very much in keeping with the local character as it is surrounded by other residential properties within the village settlement. The property is set within a large residential curtilage, enjoying gardens/amenity space. The property is accessed via Lovely Hall Lane, where it has the benefit of expansive parking for more than 4 cars, which solely serves the application site.
- 2.4. A location plan showing the site within its wider setting is provided within the supporting documents. For an aerial image of the site within its closer setting please see Figure 1 over page.



Figure 1: Aerial image showing the location of the site (not to scale) (Source: Landinsights)

- 2.5. There are no public rights of way which run along the boundaries of the site. There are no listed buildings within the site, the nearest listed building is located over 1km away. The site is not located within the Forest of Bowland Area of Outstanding Natural Beauty, and by reference to the Environment Agency's flood risk map, the site does not fall within an area subject to flooding.

Relevant Planning History

- 2.6. A search of Ribble Valley Borough Council's planning register has been carried out to understand the planning history relevant to the site and the proposed development. Applications on Ribble Valley Borough Council's public access system which are relevant to the proposal at hand are:

- **Application Ref. 3/2021/0614** – Variation of condition 7 of planning permission 3/2017/0008 - to modify the use of the holiday lets. Refused July 2021.

- **Application Ref. 3/2017/0008** – Proposed redevelopment of the existing children’s nursery to two holiday lets. Approved February 2017.
- **Application Ref. 3/2016/0620** – Proposed redevelopment of the existing child day care centre and first floor accommodation into two apartments. Refused August 2016.
- **Application Ref. 3/2000/0165** – Proposed change of use to child nursery. Approved May 2000.
- **Application Ref. 3/2000/0077** - Conversion of dwelling/part cafe into two separate dwellings. Approved April 2000.

/3 PROPOSED DEVELOPMENT

- 3.1. The application proposes the conversion of two holiday let apartments into one dwelling. The property was built and occupied as a dwelling prior to 2000, where it changed use to a children's nursery. The proposal doesn't induce any notable expansion of the property, it is an existing building with a previous history of residential occupation. The application is submitted in full; the layout is illustrated on the submitted site plan (ref. Proposed Site Plan (ref. PHD/667)).
- 3.2. The proposed external alterations are noted below:
- **Northern Elevation (Primary elevation)** – demolition of large porch and replacement with smaller enclosed central porch
 - **Southern Elevation (Rear elevation)** – extension of lower roof plane across the rear of the property and replacement of dormer to match existing.
 - **Eastern Elevation** – removal of porch blocking up of existing door openings.
- 3.3. The landscaping to the front and rear of the property will be altered in line with the original residential facilities, with approximately 4 no. parking spaces to the front of the property, whilst the rear of the property, which current accommodates more car parking will be restored to a traditional private garden.
- 3.4. The property is suitable in size to operate as a single dwelling and represents an appropriate use for the location given the property was previously a dwelling and the dominated surrounding land use is residential.

/4 PLANNING POLICY CONTEXT

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: *"where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise"*.
- 4.2. The Development Plan for the application site comprises of the Ribble Valley Borough Council Core Strategy 2008-2028 and the Housing and Economic Development DPD (2019). Key policy documents that comprise 'material considerations' include the National Planning Policy Framework (NPPF), The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and any local supplementary planning guidance documents considered relevant to the proposal.

Development Plan

Ribble Valley Borough Council Core Strategy 2008-2028

- 4.3. The policies considered relevant to the determination of the application are:
- Key Statement DS1: Development Strategy;
 - Key Statement DS2: Sustainable Development;
 - Policy DMG1: General Considerations;
 - Policy DMG2: Strategic Considerations;
 - Policy DMG3: Transport and Mobility;
 - Policy DME2: Landscape and Townscape Protection; and
 - Policy DMH4: The Conversion of Barns and Other Buildings to Dwellings.

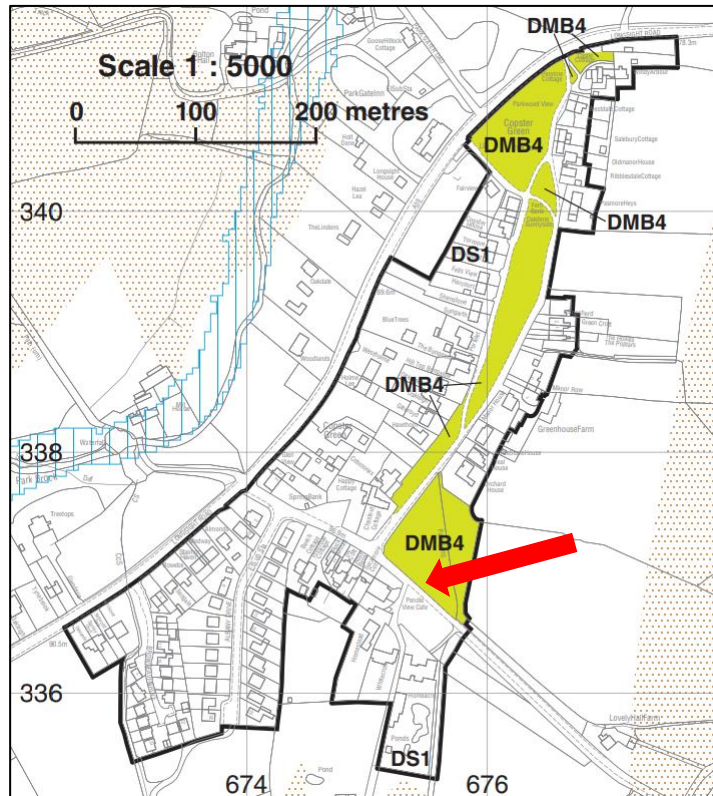


Figure 2: Excerpt from the Ribble Valley Borough Council Proposal Map

- 4.4. **Key Statement DS1** looks to the priority areas of new development, which includes Clitheroe, Longridge and Whalley. It describes Copster Green as a Tier 2 Village settlement which is considered less sustainable for new development than other villages within the Local Authority.
- 4.5. **Key Statement DS2** looks to mirror Paragraph 11 of the NPPF which details the sustainable development principles that seeks to guide both authorities and developers. Further to that, it places emphasis on the Council to develop proactive relationships with applicants to ensure where possible applications are approved unless material considerations indicate otherwise.
- 4.6. **Policy DMG1: General Considerations** assists in ensuring that development proposals are in line with numerous broad considerations 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 and Other.

4.7. **Policy DMG2: Strategic Considerations** assists in the interpretation of the Development Strategy and underpins the settlement hierarchy for the purposes of delivering sustainable development. The policy also states that within the Open Countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting.

4.8. **Policy DMG3: Transport and Mobility** attaches considerable weight to the availability and adequacy of public transport, noting the relationship between the primary route network and making provisions for pedestrian, cyclists and those with reduced mobility.

4.9. **Policy DME2: Landscape and Townscape Protection** states the proposals which induce significant harm to important landscape or landscape features. Such features are outlined as including:

1. *"Traditional Stone Walls.*
2. *Ponds.*
3. *Characteristic Herb Rich Meadows and Pastures.*
4. *Woodlands.*
5. *Copses.*
6. *Hedgerows and Individual Trees*
7. *Townscape Elements such as the Scale, Form, and Materials that Contribute to the Characteristic Townscapes of the Area.*
8. *Upland Landscapes and Associated Habitats Such as Blanket Bog.*
9. *Botanically Rich Roadside Verges (That are Worthy of Protection)."*

6.1 **Policy DMH4: The Conversion of Barns and Other Buildings to Dwellings** states planning permission will be granted for the conversion of buildings to dwellings where:

- 1. The building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of an already group of buildings, and*
- 2. There need be no unnecessary expenditure by public authorities and utilities on the provision of infrastructure, and*
- 3. There would be no materially damaging effect on the landscape qualities of the area or harm to nature conservations interests, and*
- 4. There would be no detrimental effect on the rural economy, and*
- 5. The proposals are consistent with the conservation of the natural beauty of the area.*
- 6. That any existing nature conservation aspects of the existing structure are properly surveyed and where judged to be significant preserved or, if this is not possible, then any loss adequately mitigated.*

The building to be converted must:

- 1. Be structurally sound and capable of conversion for the proposed use without the need for extensive building or major alternation, which would adversely affect the character or appearance of the building. the council will require a structural survey to be submitted with all planning application of this nature. this should include plans of any rebuilding that is proposed;*
- 2. Be of a sufficient size to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of he building, and*
- 3. The character of the building and its materials are appropriate to its surroundings and the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting, and*
- 4. The building has a genuine history of use for agriculture or another rural enterprise.*

Material Considerations

National Planning Policy Framework (NPPF)

- 4.10. The NPPF is a material consideration in planning decisions as per Paragraph 2 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 4.11. The Framework sets out the Government's presumption in favour of sustainable development (Paragraph 11) whereby developments which correctly balance the requirements of economic, social and environmental issues should be granted planning permission unless there are strong reasons that permission should not be granted.
- 4.12. Sustainable development is broadly defined in Paragraph 8 of the Framework as having three overarching objectives:
- a) an economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.13. Section 12 of the NPPF deals with good design, and states this is a key aspect of sustainable development. Decisions should not attempt to impose architectural styles or tastes and 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.

/5 PLANNING POLICY ASSESSMENT

Principle of Development

5.1. The primary point for consideration is that a proposal to bring the building back into residential use was previously refused by the Council in 2016 (app ref: 3/2016/0620) for the following reasons:

1. *"The proposal is considered contrary to Key Statements DS1, DS2 and Policy DMG2 of the Ribble Valley Core Strategy in that the approval would lead to the creation of a new residential dwelling within a Tier 2 Village Settlement without sufficient justification which would cause harm to the development strategy for the borough. It is further considered that the approval of this application would lead to the perpetuation of an unsustainable pattern of development in a location that does not benefit from adequate walkable access to local services or facilities placing further reliance on the private motor-vehicle contrary to the aims and objectives of Policy DMG3 of the adopted Core Strategy and the NPPF presumption in favour of sustainable development.*
2. *The proposed development would create a harmful precedent for the acceptance of other similar proposals in Tier 2 Village Settlements, without sufficient justification, which cumulatively would lead to the perpetuation of unsustainable patterns of development within the Borough, which would have an adverse impact on the implementation of the Development Strategy (Key Statement DS1) as adopted within the Ribble Valley Core Strategy, contrary to the interests of the proper planning of the area in accordance with the core principles and policies of the National Planning Policy Framework."*

5.2. Key Statement DS1 relates to the spread of new development, it is a strategic policy which seeks to guide future growth to the areas deemed appropriate by the Council. This is enshrined further in Policy DMG2 which lists criteria for development within tier 2 settlements. The aforementioned refusal of application 3/2016/0620, failed to give

sufficient weight to the locational situation of the property, its previous uses and previous planning permissions. The application site represents a developed plot within the settlement boundary which historically was a dwellinghouse. These are all material considerations and clearly require the proposal to be considered differently to applications relating to new build residential development, the harm generated is not comparable. Moreover, whilst it is accepted that the policies do not draw a distinction, they are clearly in place in relation to new build development rather than proposals for a former dwelling to revert back to its previous lawful use. In this context it is more pertinent to give weight to surrounding land uses and the built form associated with the site.

- 5.3. The previous refusal seemingly does not give weight to the fact permission was granted in 2000 for the conversion of the building into 2 dwellings (3/2000/0077) and that prior to this the property was already a dwelling (and café). It's of fundamental importance in considering the proposals to give weight to the fact the property was originally a dwelling. The foundation for the previous refusal was the idea the application would establish a precedent and the unsustainable nature of the pattern of development. Firstly, the granting of planning permission would not set a precedent, or at least not a negative one. The number of applications for former dwellings, within a settlement boundary, seeking permission to revert back to a dwelling must be extremely minimal. It is conceivably the case that a comparable proposal has not been made within the Borough since the application was refused in 2016. The prospect of this proposal, if consented, resulting in an influx of applications for similar changes of uses is negligible, as the parameters of the application are so infrequently seen.
- 5.4. Moreover, it is asserted that any precedent that may be set would not be a harmful one. The application relates to an existing building which sits within the settlement of Copster Green, on a residential road. It involves changing the use of the building to its previous lawful use, which is the same use as neighbouring properties. The works would not induce any significant changes to the built form and would not generate vehicle movements in excess of the current lawful use.

- 5.5. The reuse of existing buildings is inherently more sustainable than new build development, something noted within Policy DMG2, and the change of use to one dwelling will result in a reduction in the holiday lets currently associated with the site and the number of residential units previously consented (3/2000/0077). Thus the suggestion that the proposal allows for the creation of dwellings in areas lacking in local facilities is not applicable when sufficient regard is had for the current and previous uses.
- 5.6. Furthermore, notwithstanding the previous use as a dwelling, the proposal effectively seeks permission for the conversion of the building into a dwellinghouse and hence Policy DMH4 is directly relevant, despite not being noted within the reasons for refusal on the 2016 application. With further regard to the policy, the application building is not isolated, would not induce any unacceptable landscape or environmental impacts and would not require any expenditure by the local authority. In relation to the second part of the policy, the building is clearly structurally sound, of sufficient size and worthy of retention. This leaves the final criteria that the building has a genuine history of use for agriculture or another rural enterprise. In this regard the application site is clearly viewed as a rural location by the Council. Policy DS1 draws no distinction between Tier 2 and open countryside locations and the Council make numerous references to the location being unsustainable. Henceforth the commercial history of the property in relation to both the previous uses as a café and a child's nursery, do constitute a rural enterprise.
- 5.7. Consequently, irrespective of the Council's concerns over sustainability, DMH4 offers a direct avenue of support for the proposal and further validates the assertion that the application should be approved without delay. The main exercise undertaken when determining this application is to establish the level of harm generated by the proposal. When viewed holistically there is no unacceptable harm induced by the change of use, the use is more appropriate and in keeping than all the intervening uses (café, nursery and holiday let) and thus should not be resisted on the unjustified assertion that the proposal is unsustainable and sets a damaging precedent.

- 5.8. Consequently, the proposal is thought to represent logical sustainable development to the extent whereby no perceived conflict with policies DS1, DS2 and DMG2 could be reasonably adjudged as significant enough as to result in the application being refused.

Design

- 5.9. The supporting suite of planning drawings accompanying the application illustrate the appearance of the proposed works. The external design of the development has been considered to provide a residential dwelling that is aesthetically pleasing and in keeping with the surrounding properties. There is minimal work that needs to be done externally to accomplish this considering the high-quality finish to the elevations of its existing fabric.

- 5.10. The scheme is not thought to induce any harm on existing features of the house or the wider landscape. The changes do not impact any heritage assets or compromise relationships with other existing built form and would not generate any traffic or lighting issues. The design does not result in a dwelling which is excessive in scale and certainly not oversized in relation to its curtilage. The materials used as part of the works replicate the existing residential character as opposed to appearing as subsequent add-ons of contrasting design. Consequently, the proposal is considered acceptable in principle in the context of policies DMG1, DMG2, DME2 and DMH5.

Highways

- 5.11. **Policy DMG3:** Transport and Mobility attaches considerable weight to the availability and adequacy of public transport networks which are available for Tier 2 Village settlements. This proposal offers adaptability for mobility with ground floor facilities and full living accommodation. The proposal is sympathetic to sustainable transport with two bus stops within 200m, making provisions for pedestrian, cyclists, and those with reduced mobility, noting the relationship between the primary route networks.

Summary

- 5.12. Overall, it is considered the proposed development is consistent with both the Development Plan and NPPF. The dwelling represents an appropriate form of

development within the settlement. The works would allow the dwelling to meet the needs of the applicant but have also been designed in a manner which assimilates the additions into the existing dwelling successfully. The principle of the development can therefore be supported.

/6 CONCLUSIONS

- 6.1. PWA Planning is retained by Mr Mike Melville to progress a full planning application for the change of use of two holiday lets back to its previous use as a dwelling house, at Pendle View Nursery, Lovely Hall Lane, Copster Green, BB1 9EQ.
- 6.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a requirement upon Authorities when determining planning applications to do so in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 6.3. This statement has set out the planning policy relevant to the determination of the planning application and has assessed the proposed development in this context. Section 5 of the statement assesses the proposal against the relevant planning policies, and it is concluded that the proposed development is overall acceptable in the context of the relevant policies of the Development Plan.
- 6.4. For the reasons identified within this statement, it is considered that detailed planning permission for the development should be granted and that there would be no harmful impacts resulting from the proposed development.



www.pwaplanning.co.uk

2 Lockside Office Park
Lockside Road
Preston
PR2 2YS

01772 369 669
info@pwaplanning.co.uk
www.pwaplanning.co.uk