

APPEAL STATEMENT

Appeal Details :-

Planning Application Number: 3/2022/0678

Date Received: 15th July 2022

Decision Issued Date: 1st November 2022

Site Address: Chipping Farm Shop Wilsden, Garstang Road, Chipping, Lancashire PR3 2QH.

Proposal: To erect (partially retrospective) two timber frame gazebos to the front (roadside) of Chipping Farm Shop. The gazebos include Perspex windows to the roadside and end furthest from the car park area. The gazebos are to provide a covered seating area for the consumption of food and drink bought on site.

LPA: Wyre Council

Appellant: Alan Burton

Appeal Deadline: 1st May 2023

Introduction:

This is the statement of case by the appellant Alan Burton against the decision taken by Ribble Valley Borough Council ('the Council') to refuse planning application Reference Number: 3/2022/0678 dated 15th July 2022 ('the application'). The application proposed the erection of two timber frame gazebos to the front (roadside) of Chipping Farm Shop, Garstang Road, Chipping, Lancashire PR3 2QH. The gazebos include Perspex windows to the roadside and end furthest from the car park area. The gazebos are to provide a covered seating area for the consumption of food and drink bought on site. The application was refused on 1st November 2022.

Reasons for refusal:

1. The shelters are sited in a prominent location fronting a public highway within the Forest of Bowland Area of Outstanding Natural Beauty and adjacent to Chipping Conservation Area. The temporary nature of the design and materials of these structures and their siting in this location is not acceptable and fails to accord with policy DMG2 of Ribble Valley Core Strategy 2008-2028.

The Appellants Case:

The proposal is for the erection of two timber frame gazebos to the front (north elevation) of Chipping Farm Shop, Garstang Road, Chipping, Lancashire PR3 2QH. The gazebos include Perspex windows to the north and west elevation. The gazebos are to provide a covered seating area for the consumption of food and drink bought on site. The application is retrospective, as the buildings were erected during the Covid 19 pandemic, to provide a covered area at a time when patrons were prohibited from entering the premises.

The application was submitted to the Council (Ribble Valley) on 15th July 2022 and validated on 18th July 2022. The Planning Officer assigned to the case was Kathryn Hughes. The LPA refused the application on 1st November 2022. The Planning Officer's Delegated Report is dated 1st November 2022.

Chipping is defined as a Tier 2 village in the Ribble Valley Core Strategy 2008-2028 and therefore Policy DMG2 paragraphs 1-6 are applicable to the application site, as follows:-

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 WELL BEING 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.

6. THE DEVELOPMENT IS COMPATIBLE WITH THE ENTERPRISE ZONE DESIGNATION.

The Appellant will say that the application meets paragraphs 1, 4 and 5 of DMG2 as a Tier 2 village, by way of the following :-

As per the original application, “the Farm Shop provides a community hub and is an important social amenity in a small village. The eating area within the gazebos further enhances the shop’s usefulness to the community, providing a valuable meeting place for locals and visitors alike. Chipping attracts many visitors and is a popular village with walkers, particularly in the summer months.” In addition, the farm shop is also extremely popular with cyclists and the shop gives a safe stop-off point, which avoids the road being cluttered with bikes, as there is ample storage provided in the car park.

In addition, the gazebos provide a vital facility for the adjoining village school, which is clearly set out in the Headmistress’ letter of support, submitted to the LPA within the original planning process. Further letters of support were also provided to the LPA.

Such is the level of support for the gazebos from the local and wider community, that a 172-signature petition was obtained and provided to the LPA within the application process.

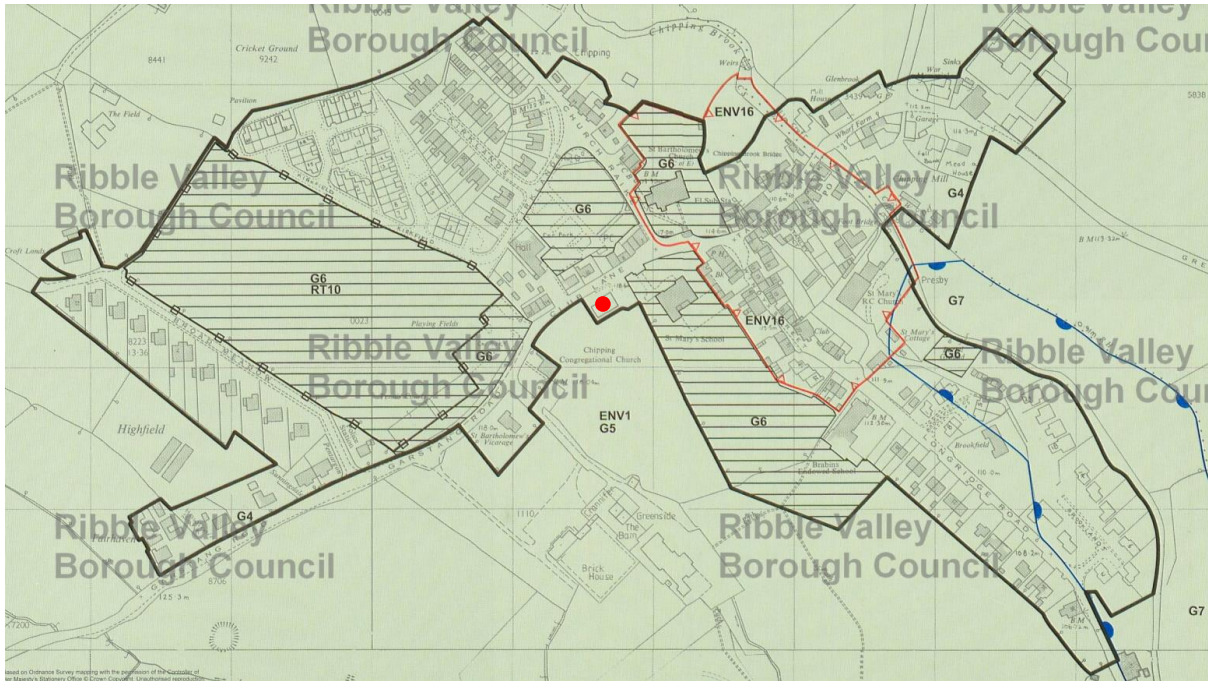
The gazebos also enhance the Farm Shop in its role as a tourist attraction to Chipping, thereby promoting an increase in the local economy. This is evidenced by the letter in support attached to this Statement, from Simon Entwistle who is the owner of Top Hat Tours, who won the Lancashire Tourism Superstar Award in 2018. Simon Entwistle conducts regular coach tours to the Ribble Valley which include Chipping Farm Shop as a destination and confirms that this is a “highlight” of his tours, with potentially 45-

50 persons disembarking from the coach on each tour to enjoy refreshments in the outside seating area provided by the gazebos. Such visitors will also walk around the village of Chipping and make purchases from other retailers and services, provide a positive knock-on benefit to the village economy generally.

The farm shop is also rated as one of the 15 best farm shops in and around Preston, as shown on the attached, with the gazebos pictured.

The farm shop is a rented property and the landlady, Susan Robinson, who resides in the residential property which adjoins the farm shop, has also provided a letter of support, setting out the careful consideration which was given to the gazebos' form, material and colour by both Susan Robinson and the Applicant, prior to installation, and the reasons why installation on the car park is not possible.

The Officer's Delegated Report is contradictory in that under the heading 'Principle of Development' it states that "the site is within the settlement boundary", then goes on under the heading 'Residential Amenity' to say that "the site is situated outside the settlement". Clearly only one of these statements can be correct and therefore for the sake of clarity, we have included the following map delineating the settlement boundary, illustrating that the application site is situated within the settlement boundary.



As per the Design & Access Statement submitted with the original application, the Chipping Conservation Area was extended on 3rd April 2007 and since that time the conservation area has run directly in front of Chipping Farm Shop, as shown on the map within the said Design & Access Statement, albeit the Farm Shop itself is not situated within the Conservation Area. The Delegated Report states “the structures would be clearly visible from views both within and out of the conservation area to the detriment of the visual amenity.”

Within the planning process, the LPA did suggest that consideration be given to the gazebos being sited on the elevation facing the car park. This was given serious consideration by the Appellant, however could not be accommodated for the following reasons, which were also confirmed to the LPA in writing:-

- 1) Access to the car park would be restricted, if not prevented altogether.
- 2) Access to the garage to the residential property would be obstructed.
- 3) Access to the farmer's field for tractors etc would be prevented, as this is accessed via the gate within the shop car park.

- 4) It would create a potential safety issue for both pedestrian customers and those attending by vehicle.
- 5) The shop would lose access to under-window storage for delivery crates/boxes for return to suppliers, for which there is no room in the shop.
- 6) Natural daylight into the shop would be lost, especially in Winter, to the detriment of the wellbeing of the staff.
- 7) The shop doorway would be restricted for customers.
- 8) Restrict the display of products on view outside the doorway, to extend the customer's product choice.

For all of the above reasons, it is not possible for the gazebos to be installed on a different area of the site, without a significant negative impact upon the use of the adjoining residential property's garage, tractor access to the field and pedestrian/vehicle safety.

In an effort to reach a compromise, the Applicant suggested removing the inclusion of Perspex to the gazebos, which has never been installed, however this suggestion was not acknowledged by the LPA until the date of determination. The Applicant remains agreeable to the Perspex element of the gazebos being excluded. The Applicant remains of the view that the gazebos are in keeping with the subject property and area generally, being unobtrusive and constructed of natural wood and buff coloured canvas. He understands that the Chipping Conservation Area runs directly in front of the property, however, does not agree that the gazebos in any way detract from the visual aspects of the Conservation Area or dominate the street scene.

In relation to Visual Amenity, the LPA conclude that the gazebos have a detrimental impact upon the Forest of Bowland Area of Outstanding Natural Beauty by virtue of their "prominent siting, inappropriate design and materials." The Applicant does not accept this view and feels that the gazebos, when viewed against the backdrop of the existing street scene, are appropriate and in keeping with the historic nature of Chipping as a market town, preserving the character and appearance of the AONB, and representing a relatively minor increase in development. The proposed

development is also screened to an extent by the shrubbery and palisade wall to the front of the Farm Shop, together with the shrubbery in the neighbouring garden when approaching from a westerly direction.

The Appellant is concerned that if the permission is not granted and the gazebo area is lost, this will have a negative impact upon not only his own economic future and the viability of the Farm Shop going forward, but also upon the economy and social amenity of Chipping generally, such has been the positive impact of the gazebos since their installation during the Covid pandemic. This is evidenced by the vast amount of support shown by the local community and wider area during the planning application process, by way of 172 signatures on the petition and various letters in support, in comparison to only 2 objections received. The Appellant provided his business accounts to the LPA within the planning process, which show the positive impact of the gazebos upon the business.

Conclusion:

The appellant seeks approval to the erection of two timber frame gazebos to the front (roadside) of Chipping Farm Shop, Garstang Road, Chipping, Lancashire PR3 2QH. The gazebos include Perspex windows to the roadside and end furthest from the car park area. The gazebos are to provide a covered seating area for the consumption of food and drink bought on site.

The appellant has selected the only appropriate and safe location within the site to provide a covered seating area, which would support the existing business which has been in operation for approximately 9 years, since 2014.

Chipping Farm Shop

Inbox



Susan Robinson <robinsonbwinnard@hotmail.co.uk>

Sat, Feb 4,
9:54 AM

to me

Wilsden

Garstang Road, Chipping Preston PR32QH

4th February 2023

To whom it may concern,

Re Chipping Farm Shop ref 3/2022/0678

I am the landlady of the Farm shop, and the tenants Mr and Mrs Burton have run the farm shop now for several years, when they initially approached me with their idea of erecting the Gazebos to the front side of the building, I explained the importance of where it was to be positioned, the materials, colour choice and sizing as it was to be in keeping with the village, and after several meetings I was quite happy with this to go ahead.

The tenants have informed me that the planning department have suggested the gazebos be repositioned to the car park side of the shop, this would not be possible and totally unacceptable as it will infringe use of access onto the car park and more importantly will block access to the field which must have total access at all times to, as large machinery and tractors use this field, and would not be able to get through.

In my opinion the gazebo is a useful asset for the business and attracts visitors, cyclists, walkers who wish to sit out, sometimes in terrible weather who otherwise would pass by and this brings revenue for the village and community.

Susan Robinson

From: SIMON ENTWISTLE <simon413entwistle@btinternet.com>

Date: 9 January 2023 at 17:09:36 GMT

To: aburton25@outlook.com

Subject: gazebos

I am a professional tour guide; I conduct on a regular basis guided coach tours of the ribble valley. These tours come from across the United Kingdom, The purpose of these tours is to visit not only Clitheroe but the beautiful villages in the ribble valley. One of the highlights of these tours is to visit the farm shop in Chipping, the shop has proved to be exceptionally popular with the coach parties that tend to have 45-50 persons on board. The shop offers a wide range of local produce and is a credit to the owners Sharon and her husband Alan. My coach parties enjoy a wide range of refreshments at the shop, what has proved very popular is the outside seated area with its gazebo this provides protection from the sun and rain and provides seating for the coach parties. To lose the gazebo will definitely affect my tours as there is no other facility within the ribble valley that can offer the same facility. Sharon and her Husband have made a huge effort to encourage tourism and their business is a shining example of providing a service for my business like mine and the many tourists who

visit their farm shop. Please keep the gazebos for the sake of tourism and this excellent business.

Simon Entwistle owner top hat tours

Lancashire
Tourism Awards
— 2018 —
WINNER
Tourism Superstar Award



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There are plenty of excellent farm shops in the Preston area



lep.co.uk

These are the 15 highest-rated farm shops in and around Preston according to Google review...



Chipping Farm Shop



Posted by Sharon Burton

2 h · 🌐

Come on 🙌 🏡

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