



APPEAL STATEMENT

Appeal development: Regularisation of detached garage with home office above (involving changes to length, width, height of approved building under 3/2020/0199 as well as inclusion of juliet balcony, rooflights and changes to doors and windows)

Planning application ref No: 3/2024/0437

Appeal site: Riverside Barn, Alston Lane, Longridge, Lancashire, PR3 3BN

Appellant: Mr Adam Richardson

Local Planning Authority: Ribble Valley Borough Council

NOVEMBER 2024

DOCUMENT REFERENCE: RIC001_01

LPA REFERENCE: LPA 3/2024/0437



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1 INTRODUCTION

- 1.1 This appeal Statement ("appeal statement/statement") has been drafted by Plan red and sets out relevant details pertaining to and provided in support of a planning appeal lodged on behalf of Mr Adam Richardson ("applicant/appellant"). Plan Red is playing the role of appeal agent.
- 1.2 The planning appeal is to be dealt with under the written representations procedures and concerns refused planning application ref no. 3/2024/0437 ("appeal application").
- 1.3 The appeal application was made to Ribble Valley Borough Council ("LPA/council") in July 2024. It was validated and registered on 23/07/24.
- 1.4 The planning application sought planning permission for the following form of development ("description of development"):
- 'Regularisation of detached garage with home office above (involving changes to length, width, height of approved building under 3/2020/0199 as well as inclusion of juliet balcony, rooflights and changes to doors and windows ("appeal proposal"))'*
- 1.5 The application site is the rear garden area of Riverside Barn, Alston Lane, Longridge, Lancashire, PR3 3BN ("appeal site").
- 1.6 The application was refused planning permission through use of officer delegated powers on 17/09/24. It was refused by reference to two reasons for refusal as follows:

Reason for refusal 1:

'The unauthorised garage and home office, by virtue of its height, solar orientation and proximity to the rear garden area and Western elevation of Beech House would have an overbearing and harmful impact upon the amenity of the occupants of Beech House due to the resultant loss of outlook and natural light that would occur in the event of the garage and home office being retained as proposed. The proposed development would therefore fail to satisfy the requirements of Paragraph 135 (f) of the NPPF and Policy DMG1 of the Ribble Valley Core Strategy.'

Reason for refusal 2:

'The unauthorised garage and home office, by virtue of its bulk, massing, height and fenestration fails to read as a subservient incidental building, with the unauthorised development instead reading as an over dominant, unsympathetic and incongruous addition to the application site which if retained would be harmful to the visual amenities of the area. The proposal therefore fails to satisfy the requirements of Paragraph 135 of the NPPF and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.'

- 1.7 The planning appeal comprises the following items and documents:

- Application Form



- Cover Letter
- Planning Statement
- Flood Risk Assessment
- Drawings:
 - P.02-ZZ-001-P01 Location Plan
 - P.03-XX-002-P03 As Built Floor Plans
 - P.03-ZZ-001-P01 Approved Floor Plans
 - P.05-XX-001-P01 Approved Elevations and Sections
 - P.05-XX-002-P03 As Built Elevations and Sections

As part of the application process, consultation comments:

- Neighbour Notification letter issued by LPA
- HSE Response
- Hazardous Pipeline Information
- Highways response

Decision and officers report:

- Delegated Report, dated 13/9/24
- Decision Notice, dated 17/9/24

And this Appeal Statement, reference RIC001_01

1.8 The scope of the appeal statement is as follows:

- Section 2 sets out relevant background on the appeal and appeal application.
- Section 3 describes the appeal site.
- Section 4 describes the appeal development.
- Section 5 confirms the planning framework applying to the appeal site.
- Section 6 sets out our planning assessment of the appeal development and reasons used to refuse planning permission for the appeal application.
- Section 7 sets out conclusions on the matters covered in the appeal statement.

2 APPEAL SITE

Location and profile

- 2.1 The appeal site is located on the western side of Alston Lane which runs roughly south of the B6243 from a junction located north east of Grimsargh, Lancashire. The appeal site is located to the west of the lane close to its southern end immediately north east of the River Ribble. See plans at Figure 2.1 below. The left-hand plan identified the appeal site's location; the right-hand plan shows the main garden area of Riverside Barn (red line), other land owned by the Richardson's (blue line) and the siting of the appeal development (purple line).



Figure 2.1: plans showing appeal site location (identified by red dot) and its extent

- 2.2 The appeal site and related residential property, Riverside barn, forms part of what was historically Boot Farm. In the 1980s the farm and related agricultural operations relocated further south along Alston Lane and the old agricultural buildings were converted into residences – Riverside Barn, Beach House and Roth Holm, as per the right-hand plan at Figure 2.1. The appeal site is effectively part of the rear garden area of Riverside Barn.
- 2.3 Planning history of relevance to Riverside Barn and Beach House is covered in Section 3.

Hinterland of appeal site

- 2.4 Generally, the surrounding area is in agricultural use and to a significant extent.
- 2.5 Further to the south of the site, also served from Alston lane, is a large contemporarily styled residential property accessed off the western side of the lane fronting the River Ribble. This was granted permission in 2013. Beyond this are new agricultural outbuildings built to replace the farm buildings converted to residences.

- 2.6 North east of the site, 320m away, is Alston Old Hall Farm, which we understand is now a residence.
- 2.7 To the east the land forms a spur in the course of the River Ribble and is undeveloped and in agricultural use.
- 2.8 North of Beech House is a large building currently being constructed which we understand will accommodate 3 holiday cottages. This was established initially under planning permission ref no. 3/2020/0498. Planning application ref no. 3/2023/0257 was subsequently made to vary planning condition 2 which lists approved plans so as to accommodate planned changes to the design and other aspects of the development. However, this was refused on 26th May 2023. We understand that this matter has required investigation by the Council as some of the requested changes have been implemented.
- 2.9 We also draw the Inspector's attention to a recent, large, modern, contemporarily designed dwelling approximately 107m roughly to the south of the appeal site west of Alston Lane. We regard this as relevant as it sets a benchmark regarding the form, scale and design of development the council regards as acceptable and appropriate in this local.

Photographs of appeal site and adjoining properties



Photograph 2.1: Aerial of former farm buildings before conversion to Riverside Barn, Beech House



Photograph 2.2: Google aerial photograph of site and appeal development (identified by red dot) and adjoining properties



Photograph 2.3: south elevation of appeal development as constructed. The piers and steel work to the front, designed to support a terrace, are proposed to be removed



Photograph 2.4: view of appeal development and southern elevation of Riverside Barn from garden



Photograph 2.5: photograph of western elevation of appeal development from garden of Roth Holm



Photograph 2.6: photograph of appeal site prior to construction of garage



Photograph 2.7: building accommodating 3 holiday cottages granted under planning permission ref no. 3/2020/0498



Photograph 2.8: Google aerial of large contemporary dwelling to south of appeal development/appeal site referred to paragraph 2.9 of the appeal statement

3 RELEVANT BACKGROUND ON APPEAL

- 3.1 In this Section we set out relevant background information on the origins of the planning appeal, the appeal development and related planning history.
- 3.2 Planning permission ref no. 3/2016/0664 for a replacement garage with roof accommodation on land immediately north of the appeal site in the garden area of the neighbouring property, Beech House, was granted on 23rd September 2016. The permitted development is depicted below:

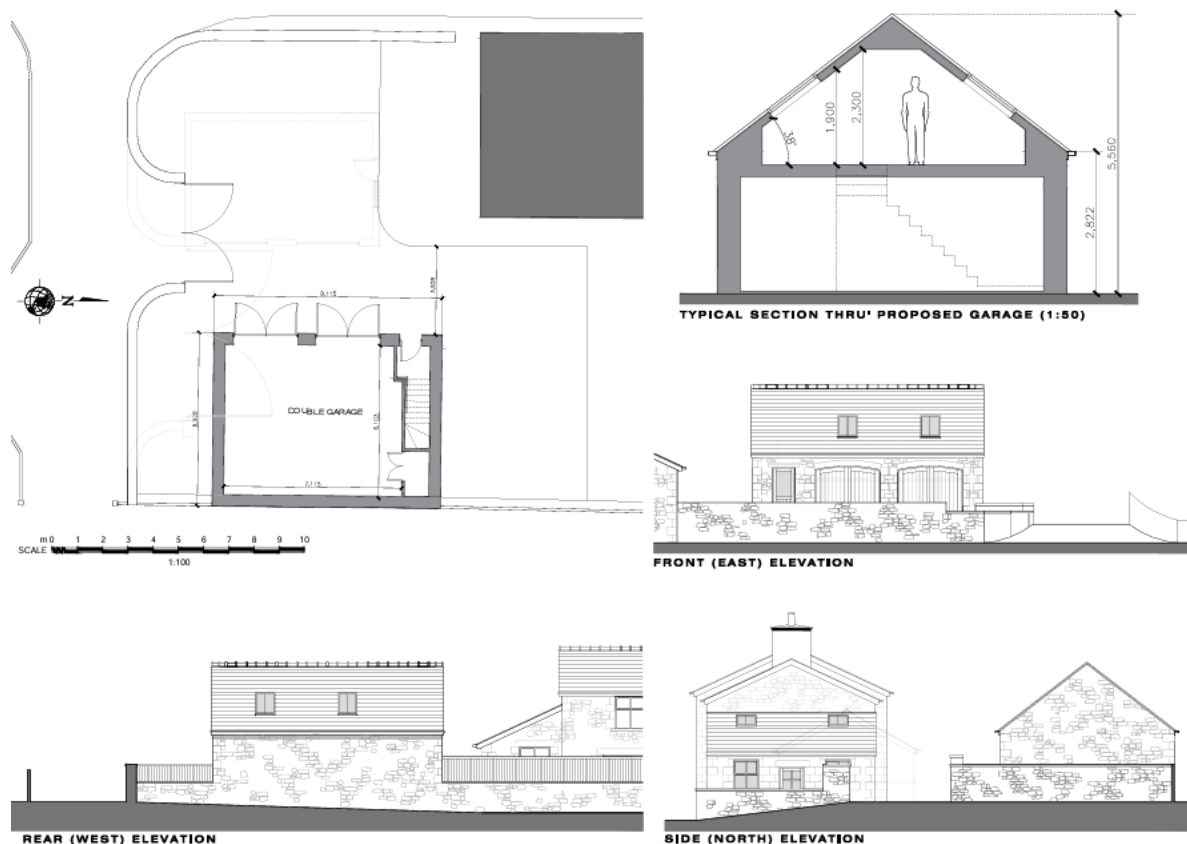


Figure 3.1: drawing showing the consented garage at Beech House (under planning permission ref no. 3/2016/0664)

- 3.3 We understand that work on this development started in early 2017 and was completed later that year. An assessment of the garage as constructed suggests it was not built in conformity with the approved plans. We estimate the height of the garage as built to be circa 5.90m - 6m. This is some 0.34m - 0.44m taller than the permitted height, 5.56 m (to ridge). This is apparent from the photographs that follow - the gap between the top of the fence to haunch of roof/gutter level as proposed appears less than that existing by reference to photographs 3.1 and 3.2 which follow.

- 3.4 Subsequently, a single storey sloped roof stone extension was built onto the north elevation facing north. This was granted planning permission following the making of planning application ref no. 3/2020/0283.



Photograph 3.1: view of rear elevation of garage at Beech House looking roughly eastwards from front garden of Roth Holm



Photograph 3.2: view of rear elevation of garage at Beech House looking roughly north eastwards from front garden of Roth Holm

- 3.5 In our view the increased height off the garage as built can be regarded as minor or de minimis in planning terms. And we regard the height to be acceptable in planning and development terms given the site's contexts and the height and scale of adjoining buildings. And the build quality is high and follows local vernacular.

- 3.6 The changes to the scheme as granted and implemented were not recognised nor known about by the owners of the adjoining property to the south, originally the father of Hazel Richardson (the appellant's wife), but in any case this was not an issue to him, nor the appellant and his wife after they subsequently purchased the property.
- 3.7 Reflecting the quality and usefulness of the garage at Beech House and reflecting his own plans to secure consent for a similar structure in his garden, the appellant's father-in-law applied to the Council for planning permission for a two-car garage with roof accommodation in the rear garden of Riverside Barn. This was on 31st March 2020. The planning application was given reference number 3/2020/0199. The application was granted permission on 28th May 2020. The consented scheme is as depicted below on planning application Drawing Ref No. 03/Figure 3.2:

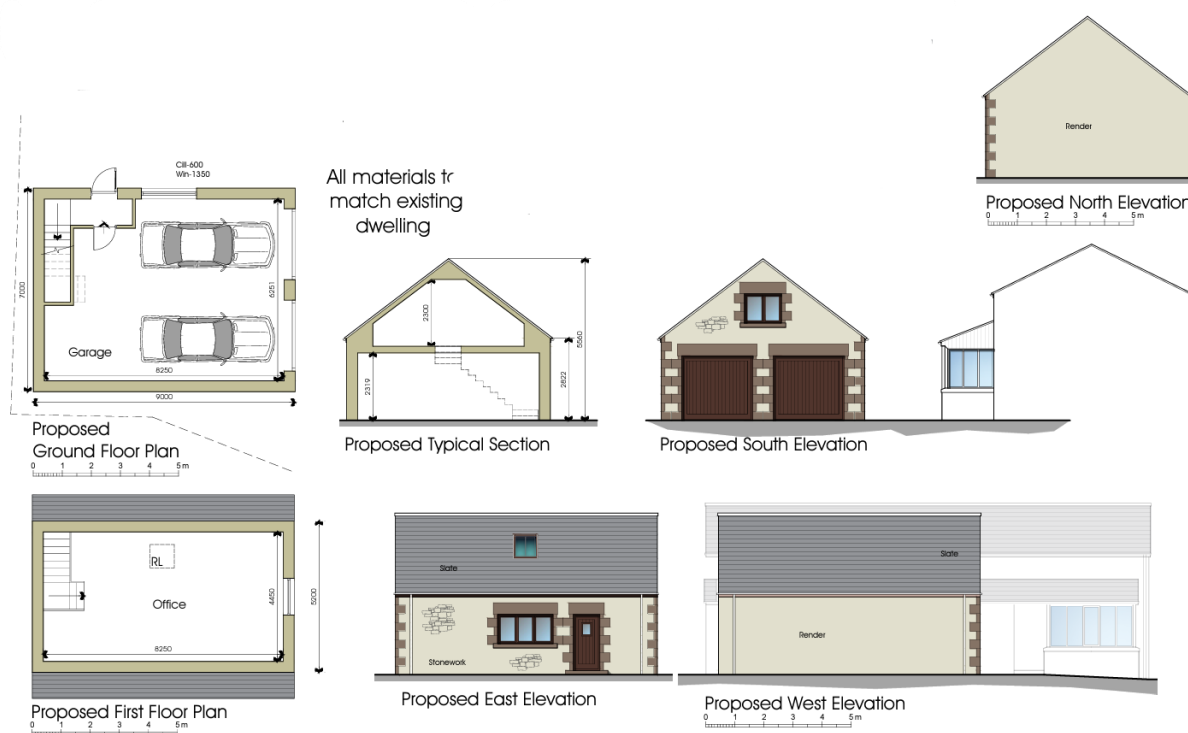


Figure 3.2: drawing Ref No. 03 depicting scheme consented under planning permission ref no. 3/2020/0199

- 3.8 The permitted development was subject to a number of planning conditions. Planning condition 2 required the development to be carried out in accordance with the following consented planning application drawings:
- Location plan and site plan: drawing ref no. 01
 - Plans and elevations as proposed: drawing ref no. 03
- 3.9 The applicant, the appellant's father-in-law, post permission being granted appointed a contractor to build the garage. He took the decision mid-build, which was not in consultation with the council or his family, to slightly increase the height of the permitted



garage. This was so as to reflect the height of the constructed garage to the north in the rear garden of Beech House. He also decided to change the design of the southern elevation at both ground and first floor levels. At ground floor level this involved transposing the 2 separate garage doors into a single span 2 car door. At first floor level the key change was the inclusion of French doors/windows instead of a main 2 pane window positioned centrally at waist height. These were planned as we understand he further intended to construct a new first floor balcony. This was also not covered by the plans. I am advised that he presumed that the change in height would not be an issue to the Council, largely because the planned new height of the garage reflected that of the adjoining garage. As for the changes to the southern elevation, I am advised that these were also regarded as minor, and they faced away from neighbouring properties. He further surmised that the balcony would be treated as permitted development. And this was also to be proposed on the southern elevation.

- 3.10 By, mid-2023, the appeal development was largely fully constructed, but the required finish – render and exposed stonework/stone facias, was left uncompleted, leaving the main core of breeze blocks exposed. In addition, 2 stone columns and some steel work linked to the planned balcony, had also been constructed. This situation prevailed for some time, we understand until late 2023, when we understand a complaint was made to the council, due to the fact the required facing treatments/elevation finishes had not been mounted as per approved plans.
- 3.11 Subsequently the appellant and his wife then acquired Riverside Barn from their father-in-law/father.
- 3.12 This is the background that resulted in the council investigating an alleged breach of planning control. And to this end the council wrote to the new owners of the appeal site/Riverside barn, the Richardsons, on 3rd January 2024. The letter was sent by Liam O'Donnell, enforcement officer. The letter confirmed it was investigating an alleged breach of planning control at Riverside Barn (Case ID 22289). Subsequently, and following negotiations by Plan Red, the Council confirmed that it would be prepared to accept a planning application designed to allow Adam and Hazel Richardson to secure retrospective planning permission for the garage development as built minus the large, planned balcony but with a Juliet balcony arrangement . This was confirmed through an email from Liam O'Donnell, Council enforcement officer, dated 25th April 2024.

4 APPEAL DEVELOPMENT

Key elements of proposed development

- 4.1 The appeal development is the same as that constructed in breach of approved plans under planning permission ref no. 3/2020/0199, hence the need for the appeal application and now the planning appeal. The appeal development comprises the following key elements:
- Freestanding garage with first floor studio accommodation.
 - Ground floor garaging space to accommodate 2 vehicles.
 - Single span up and over 2 door garage door.
 - Upper floor space to be used as a home office.
 - Stairs to first floor located in garage space.
 - Floor to roof level fenestration including French windows at first floor level to light studio.
 - Safety railings at first floor level.
 - Small velux roof light in roof facing west east to be obscure glazed.
 - 3 small Velux Roof Lights in roof facing east (2 windows) and west (one window) all to be obscure glazed.
 - Elevations to be rendered and stone faced (stone facias or similar).
- 4.2 It should be noted that the constructed 2 stone piers and related steel work intended to support a first-floor balcony will be removed. As such they do not form part of the current plans nor the planning appeal.

Layout and design of proposed development

- 4.3 The layout and design of the appeal development as described above is as depicted below on the drawings making Figures 4.1 and 4.2:

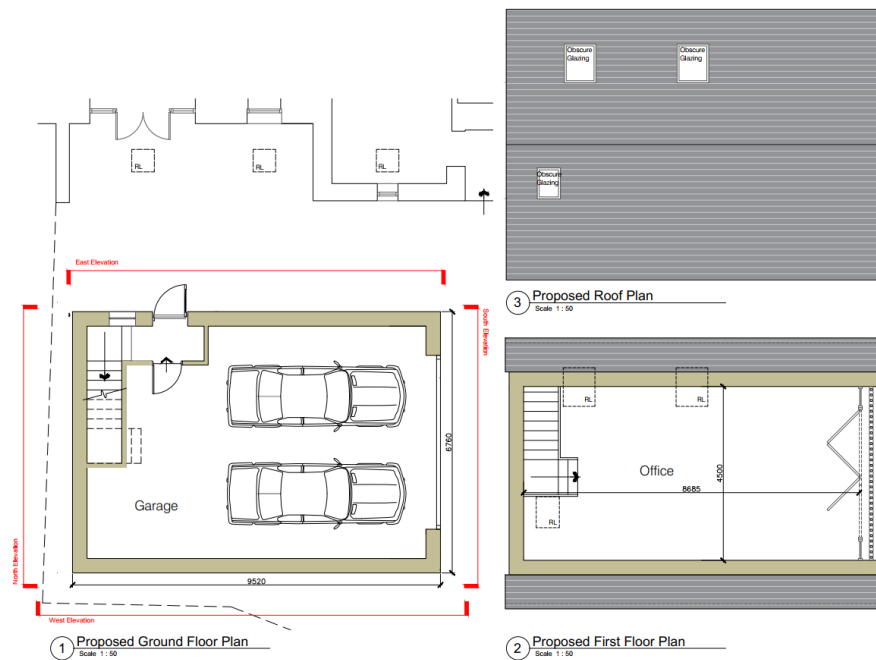


Figure 4.1: Drawing Ref no. P.03-ZZ-002 - layout of proposed development



Figure 4.2: Drawing ref no. P.05-XX-002 – elevation details of proposed development

Differences between appeal development and that granted under planning permission ref no. 3/2020/0199

- 4.4 The key differences between the appeal development, which as we have already confirmed is the development as built, and the version granted under planning permission ref no. 3/2020/0199, are set out in Table 4.1 which follows:

Table 4.1: Differences Between Garage as Built ('Proposed Development') and Version Granted Under Planning Permission Ref No. 3/2020/0199				
Measurement	Garage as built / proposed development	Permitted version of development	Difference m/sqm/m³	% Difference
Width	6.76 m	7 m	-0.24 m	-2%
Length	9.52 m	9 m	+0.5 m	+5%
Height to Roof Haunch	3.84 m	2.82 m	+1.02 m	+35%
Height to Ridge	5.96 m	5.56 m	+0.4 m	+6%
Floorspace	118 sqm (59 sqm ground floor and 59 m first floor)	90 sqm (52 sqm ground floor and 38 sqm first floor)	+28 sqm overall (+7 sqm ground floor and +21 sqm first floor)	+30%
Volume	315 m³	263 m³	+52m³	+20%
Roof to West	1 small velux window	No velux windows	1 small velux window	NA
Roof to East	2 small velux windows	1 small velux windows	1 small velux window	NA
Garage doors	2 combined spaces / single double space garage door	2 separate spaces / 2 garage doors	New garage door arrangements	NA
First floor southern elevation	French windows and safety railings	2 pane single window	New fenestration arrangements and safety railings	NA
Other elevations	Render and stone facias	Render and stone facias	Same	NA
Roof	Slate	Slate	Same	NA

- 4.5 We analyse the significance of the differences between the appeal development and consented development, from a planning and development perspective, including in the context of the reasons used to refuse planning for the appeal application, in section 6, where we set out our planning assessment of the appeal development.

5 PLANNING FRAMEWORK APPLYING TO APPEAL SITE

5.1 The planning framework applying to this appeal site is as follows:

- Development plan/local plan.
- Supplementary planning documents.
- National planning policy.

Development plan

5.2 The development plan comprises the Ribble Valley Core Strategy 2008-2028 ("RVCS") and Housing and Economic Development Plan ("HEDP").

5.3 Relevant policies in RVCS are as follows:

- Policy DMG1: General considerations (referred to in Reason for refusals 1 & 2) .
- Policy DMG2: Development should be in accordance with the core strategy development strategy and should support the spatial vision (referred to in Reason for refusal 2).

5.4 Other policies in RVCS of some relevance are as follows:

- Policy DS1: Development strategy.
- PolicyDS2: Sustainable development.
- Policy EN3: sustainable development and climate.
- Policy DMH5: Residential and curtilage.
- DME6: Flood risk area (flood zone 2).
- EN3: Minerals Safeguarding Area.

5.5 Consideration of the HEDP suggests that no policies can be considered relevant given the profile of the appeal development and location and nature of the appeal site.

5.6 The appropriate extract from the development plan's policies plan is reproduced overpage.

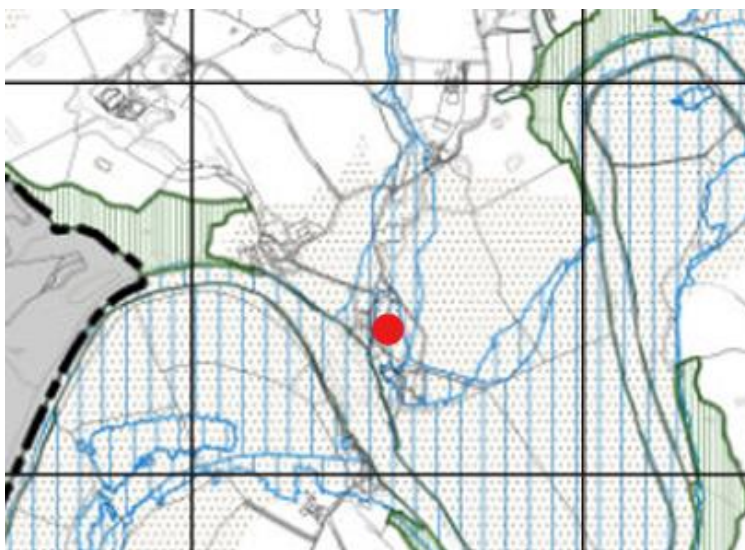


Figure 5.1: extract from Ribble Valley Local Plan. Site identified by red dot

Supplementary planning documents

- 5.7 We have been unable to identify any SPDs of relevance (by reference to the Council's planning policy web site/page).

National planning policy

- 5.8 National planning policy is set out in the National Planning Policy Framework ("NPPF/the framework"). The latest edition of this was published in December 2023. It is supported by an on-line planning practice guidance facility ("PPG") which is regularly updated.
- 5.9 Following the election of a new national government in July 2024 a new draft version of NPPF was published for consultation. The consultation exercise ran until late September 2024. We are advised there is the prospect a new version of NPPF could be published before the end of 2024 if not then it will be in early 2025. In this eventuality it would be our intention to provide either a revised appeal statement or an addendum updating relevant sections and arguments presented that draw on NPPF.
- 5.10 NPPF is multi-topic in structure and much of the policy and guidance it sets out is strategic in nature and context.
- 5.11 It confirms that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means, in summary, approving development proposals that accord with an up-to-date development plan without delay (paragraph 11).
- 5.12 On decision making, NPPF confirms that local planning authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible (paragraph 38).

- 5.13 Regarding enforcement, NPPF sets out that effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control (paragraph 59).
- 5.14 NPPF confirms that achieving well-designed and beautiful places is a key requirement of planning. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development (paragraph 131).
- 5.15 To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high-quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety (paragraph 133).
- 5.16 Paragraph 135 deals with, inter alia, the need for good quality of design and development. This paragraph is referred to in both reasons for refusal. It requires the following of new development:
- (a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) are visually attractive as a result of good architecture, layout and appropriate and have effective landscaping;
 - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 135).
- 5.17 Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local



community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot (paragraph 137).

6 PLANNING ASSESSMENT

Approach

- 6.1 In this section we set out our planning assessment of the appeal proposals. We do this first by considering whether the two reasons used to refuse planning permission for the appeal application stand scrutiny. We then assess the appeal development by reference to key planning, development and land use considerations, some of which are partially addressed in the first part of our assessment.

Role of development plan policy in planning decisions

- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 confirms that if regard is to be had to the development plan for the purpose of a planning decision/determination this must be in accordance with the plan unless material considerations indicate otherwise. We consider development plan policies identified in both reasons for refusal in the initial part of our assessment. This is to ascertain whether they can be accorded with.

Interpreting Policy

- 6.3 The UK Supreme Court decision on the Tesco Stores Ltd v Dundee City Council [2012] UKSC 13 focused on the wording of planning policy, what it means and how it should be interpreted. Paragraphs 18 and 19 conclude that planning policy should be '*...interpreted objectively in accordance with the language used and read in its proper context.*' The Dundee decision confirms that, although the application of a planning policy to a particular set of facts falls within the judgement of a local planning authority, it is a matter for the UK's Courts to interpret the meaning of policy. As such a local planning authority must interpret policy as it is written and not as they might want to interpret it.

Consideration of Reason for refusal 1

- 6.4 Reason for refusal 1 states as follows:

'The unauthorised garage and home office, by virtue of its height, solar orientation and proximity to the rear garden area and Western elevation of Beech House would have an overbearing and harmful impact upon the amenity of the occupants of Beech House due to the resultant loss of outlook and natural light that would occur in the event of the garage and home office being retained as proposed. The proposed development would therefore fail to satisfy the requirements of Paragraph 135 (f) of the NPPF and Policy DMG1 of the Ribble Valley Core Strategy.'

- 6.5 Reference to the wording of this Reason for refusal suggests that the Council's key concerns about the appeal development are as follows:

- Height of garage
- Solar orientation of garage
- Proximity of garage to western elevation of Beach House

- Loss of outlook and natural light of Beach House
- Failure of development to accord with paragraph 135 (f) of NPPF
- Failure of development to accord with Policy DMG1 of RVCS

6.6 We address each of these concerns below.

Height of garage

- 6.7 In sections 3 and 4 we set out the key differences between the appeal development and the version granted under planning permission ref no. 3/2020/0199. Table 4.1 is useful in this regard.
- 6.8 We would point out that from discussions with the council in connection with the appeal application (applicants and Plan Red) there was some confusion as to how high the appeal development actually is compared to the scheme granted permission (under planning permission ref no. 3/2020/0199). Indeed, it was only once the appeal development was constructed that it was dimensioned. And this was by the appellant rather than the council. Prior to that the council had only ever estimated the height of the appeal development.
- 6.9 The overall height of the appeal development (to ridge) is 5.96. The envisaged height under planning permission ref no. 3/2020/0199 was 5.56m. The difference in height is 0.4m or +6%. The height to haunch of the appeal development as built is 3.84m. The same for the scheme granted was 2.82m which is 1.02m difference or +35%.
- 6.10 In our view the key concerns of the Council regarding height of the appeal development are its overall height not height to haunch. As set out above, the difference between the development consented and the appeal development is small – 0.4m or +56%. In planning terms in our view this increase can be regarded as very minor or de minimis.
- 6.11 On the difference in heights to haunch the variance is 1.02m or 35% which we accept is an obvious difference. However, we would say this increase is not significant given the increase in the overall height of the appeal development is significantly less. And the significance of the height to haunch is where the roof starts/guttering is positioned rather than the top of the roof. We are also advised that the increase in height to haunch was intended to create a more usable space at first floor/roof accommodation. In the consented option under planning permission ref no. 3/2020/0199 the roof accommodation has to take greater account of the slope of the roof which is less of an influence with the appeal development.
- 6.12 Before considering the implications of the appeal development being 0.4m higher than the permitted version, we would point out that the height of the comparable garage directly to the north in the curtilage of Beech House we estimate to be 5.9m – 6m to ridge level. This is some 0.34m – 0.44m greater than the 5.56 m height (to ridge) envisaged and granted under planning permission ref no. 3/2016/0664.
- 6.13 So, on height to ridge the appeal development is +0.4m or +6% taller than the consented development. We regard this as a minor change - 0.4m is just over a foot in imperial



measurement terms and a +6% increase puts the change in the scope of what planning terminology usually terms and regards as de minimis - works that might otherwise fall within the definition of development but are so minor in nature that they fall outside of the scope of the planning system, i.e. they are 'de minimis'. The Oxford English Dictionary defines 'de minimis' as "too trivial or minor to merit consideration, especially in law."

- 6.14 Obviously, it is unfortunate that the appeal development was not constructed strictly in accordance with the consented plans under planning permission ref no. 3/2020/0199, and the reasons for this have been set out earlier, but the key consideration is whether the structure that has been built can be regarded as being unacceptable tall and if this is considered to be the case this has to be by reference to valid planning reasons.
- 6.15 A key consideration in this regard is whether the height of the appeal development pushes the development into the category of one that can be regarded as an overbearing development which adversely impacts on the appellant's residence and adjoining properties. In our view this is not the case. The appeal development does not have an unacceptable or overbearing relationship to either Beech House, to the north east, or Roth Holm to the north west. To our knowledge neither party objected to the appeal application, and we know from discussions with the owner of Roth Holm that they like the siting of the appeal development as it book ends to the east the patio area to the immediate south of their property, thus creating privacy which they enjoy.
- 6.16 A key point we have already raised and needs to be to considered regarding any criticism of the height of the appeal development, is the adjoining garage to the north in the curtilage of Beech House. This structure is roughly the same height as the subject garage. And its height as constructed – it too was built taller than consented plans, was the key factor that influenced the decision of the former owner of the appeal property to build the appeal development taller than originally planned and as per the height expected under the consented drawings.
- 6.17 As we have advised, the adjoining garage appears to have been constructed taller than the consented plans, but this appears to have been regarded as acceptable by the council. Indeed, it chose not to enforce against the appellant's neighbour by reference to this breach. This is despite the fact that at the time other planning applications affected nearby sites and so the area was being regularly visited by planning officers. We regard the height of that garage to be acceptable and it follows that we can reasonably also regard the height of the appeal development to be acceptable.
- 6.18 Overall, the height of the appeal development can be regarded as acceptable by reference to the function it is planned to perform and its relationship to adjoining residences and other buildings, one of which it mimics.

Solar orientation of garage

- 6.19 The appeal development sits to the west of the appellant's home, to the south west of Beech House and to the south east of Roth Holm. The sun rises in the east and sets in the west. The sun is higher in the sky in summer time, peaking at midday, and the converse



applies in winter time in the sense the sun is at its lowest on an annual cycle then (it is still at its highest at midday over the winter period).

- 6.20 The siting of the appeal development means that it only causes shadowing across the enclosed rear garden area of Beech House in late morning / early afternoon and then mainly in winter time when the sun is low – in summer time the sun is high enough in the sky to shine over the appeal development, lighting all but a small part of the garden of Beech House (the immediate area directly north of the northern elevation of the appeal development is shared but only to narrow zone). In the morning time until midday or thereabouts, mainly when the sun is low, in winter time, the appeal development can cause shadowing in the area immediately south of Roth Holm, but this is only for a short time. The sun then tracks westwards and the whole of the rear garden area of this property is sunlit.
- 6.21 It should also be remembered that a slightly smaller version of the appeal development was regarded as acceptable in relationship and height terms to nearby properties, which we have assumed took into account solar orientation considerations, hence the planning application for this development being granted - planning permission ref no. 3/2020/0199. The fact that the appeal development as built is some 0.4m taller than the consented development's height is unlikely to make a radical difference to solar orientation effects of the appeal development, certainly not to the degree suggested by relevant parts of reason for refusal 1. Indeed, we suspect the differences will be indiscernible.
- 6.22 The assessment above suggests that the appeal development can be regarded as acceptable by reference to solar orientation considerations. They certainly do not warrant the weight they have attracted in reason for refusal 1 nor can the specific points made be substantiated. This takes into account the siting and the height and bulk of the appeal development and its relationship to adjoining properties.

Proximity of garage to western elevation of Beech House

- 6.23 The appeal proposals lie immediately south of the southern edge of the rear garden area of Beech House and, at its closest, is approximately 5m to the south west of the western elevation of Beech House. But it should be noted it does not sit directly behind the property. It is our position that the appeal development has an acceptable relationship to both the garden and rear elevation of the Beech House.
- 6.24 The enclave of development that contains the appeal development and Beech House plus Roth Holm is an old farm. It is tightly knit and typical of single use agricultural developments / former farms that are split up to accommodate different ownerships / properties / curtilages. All of the properties in this wider development – Riverside Barn and its garden, Beech House and its garden areas and Roth Holm and its garden areas might sit close to each other but all have extensive and private garden areas which are not overlooked and which work in terms of the juxta position of the relevant properties and their gardens. And the owners / residents of these properties regard the relationship of their properties to the adjoining properties to be acceptable. And to our knowledge none objected to the appeal development when made the subject of a planning application.

- 6.25 And it should be noted that planning permission ref no. 3/202/0199 relates to a garage development proposal that is virtually the same as the appeal development, certainly in terms of siting and relationship to the southern boundary of the rear garden area of Beech House, and by default its proximity and relationship to the western elevation of Beech House residence. This scheme, which is slightly smaller than the appeal development as constructed, including footprint, sits in exactly the same location as does the appeal development. The initial development proposals covered under planning permission ref no. 3/2020/0199 was regarded as acceptable by the council, including by reference to the relationship of the proposed development to the rear garden area of Beech House and its western elevation, hence planning permission being granted. It surely follows that the proximity of the appeal development to the western elevation of Beech House can also be regarded as acceptable.
- 6.26 Overall, it is our view that the proximity of the appeal development to the western elevation of Beech House can be regarded as acceptable, including in planning and development terms, and as such reference to this in reason for refusal 1 cannot be substantiated.

Loss of outlook and natural light of Beech House

- 6.27 For similar reasons to those set out earlier in this Section, Beech House will not lose outlook nor natural light.
- 6.28 In this regard, the appeal development will not in any way affect the eastern elevation of the property.
- 6.29 Regarding the property's western elevation, the outlook of the property at ground floor level, i.e., from windows facing west, is already inhibited by fencing / walls enclosing the western side of its garden, but in any case immediately beyond this is Roth Holm; this also applies to the outlook to the south west by reference to the means used to enclose the southern end of the garden.
- 6.30 At first floor level the upstairs windows of Beech House overlook the whole of its rear garden area looking westward, though longer distance views are inhibited by semi-mature trees that are planted in the rear garden area. In height terms they taller than the owner's own garage to the north west and the appeal development to the south west. And beyond the garden is Roth Holm, which while single storey in height does create a barrier to longer distance views.
- 6.31 Any loss of outlook relating to or which might be caused by the appeal development can only be linked to views available from first floor windows in the western elevation of Beech House. And it should be noted that these are not direct views out of available windows rather oblique views towards the south west. It is our position that the height of the appeal development is not so great to cause an unacceptable loss of outlook from Beech House. Nor will it cause loss of natural light in part because of the way the sun tracks across the sky in this location – east to west and shining from the south.

- 6.32 A further relevant point is the fact the appeal development as constructed is only marginally taller than the development consented under planning permission ref no. 3/202/0199. This was regarded as fully supportable and acceptable in planning terms, including by reference to outlook and effects on natural light. It is our view that these aspects of reason for refusal 1 do not stand scrutiny.

Failure of development to accord with paragraph 135 (f) of NPPF

- 6.33 Reason for refusal 1 maintains that the appeal development does not accord with paragraph 135 (f) of NPPF (set out in full in Section 5). We now consider whether the appeal development conflicts with the advice and guidance set out in this sub-paragraph.
- 6.34 Sub-paragraph (f) of main paragraph 135 of NPPF states: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 135).
- 6.35 The first point we wish to make is that we do not think this sub-paragraph is particularly relevant given the nature of the appeal development and the contexts of the appeal site.
- 6.36 But in terms of what this element of NPPF seeks to achieve in/for new development the appeal development is safe, inclusive and accessible. The development will contribute towards the health and well-being of the appellant and his family. The appeal development is of high standard of development and will create/contribute towards a high level of amenity for existing and future users. The development gives no cause for concern regarding crime and disorder and the fear of crime issues and it will not undermine the quality of life or community cohesion and resilience in the area.
- 6.37 Accordingly, this element of reason for refusal 1 does not bear scrutiny.

Failure of development to accord with Policy DMG1 of RVCS

- 6.38 Policy DMG1 of RVCS is a long, detailed criterion driven policy which sets guidance and parameters that development proposals should aim to satisfy. We consider each criterion in turn below.
- 6.39 The first criterion deals with design and expects development to be of a high standard of building design (defined by reference to the now dated and not generally relied on CABE / English Heritage building on context toolkit). As we have already confirmed in earlier paragraphs of this section of the appeal statement the appeal development is sympathetic to existing and proposed land uses in terms of its relationship, size, intensity and nature as well as scale, massing, style, features and building materials. It is also well considered in terms of its density, layout and relationship to other buildings. The appeal development can be regarded as visually pleasing and has a good relationship to its immediate and wider surroundings, including local landscape and its character. This was also the view of the Council when granting planning permission ref no. 3/2020/0199.

- 6.40 The second criterion deals with access. The development can be regarded as acceptable by reference to traffic generation – it generates no more vehicle movements given its role and function. Indeed, it is designed to serve an existing residence which won't be extended nor intensified. And it should also be noted that Riverside Barn benefits from off road car parking and this will be maintained going forward. Access to the appeal site already exists and is safe and suitable to accommodate the scale and type of traffic generated. No PROWs are affected. This was also the view of the Council when granting planning permission ref no. 3/2020/0199.
- 6.41 On amenity, the third criterion, the appeal development will not adversely affect the amenities of the immediate nor the wider, surrounding area, and it will provide adequate day lighting and privacy distances. Nor will it affect public safety or air quality. This was also the view of the Council when granting planning permission ref no. 3/2020/019.
- 6.42 Regarding effects on the local environment, which is the fourth criterion, the appeal development will not adversely affect any of the defined facilities or areas or zones listed in the policy nor will it cause any identifiable effects on environmental matters listed in the policy. This was also the view of the Council when granting planning permission ref no. 3/2020/0199.
- 6.43 The fifth criterion deals with infrastructure. The appeal development will have cause no adverse effects or result in impacts on the facilities and features listed or covered through this part of the policy. Again, this was also the case when the Council granted planning permission ref no. 3/2020/0199.
- 6.44 The sixth criterion applies to other matters in the form of ensuring a proposed development provides no scope to prejudice future development which would provide significant environmental and amenity improvements. This is not the case with regard to the appeal development. And this was also the view of the Council when granting planning permission ref no. 3/2020/0199.
- 6.45 Overall, it is our strong view and clear position that this policy is not conflicted with in the context of the appeal development.

Consideration of Reason for refusal 2

- 6.46 Reason for refusal 2 states as follows:

'The unauthorised garage and home office, by virtue of its bulk, massing, height and fenestration fails to read as a subservient incidental building, with the unauthorised development instead reading as an over dominant, unsympathetic and incongruous addition to the application site which if retained would be harmful to the visual amenities of the area. The proposal therefore fails to satisfy the requirements of Paragraph 135 of the NPPF and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.'

- 6.47 Reference to the wording of this Reason for refusal suggests that the Council's key concerns about the unauthorised garage are as follows:

- Garage by reference to bulk, massing, height and fenestration not a subservient incidental building.
- Garage reads as a dominant, unsympathetic and incongruous addition.
- Garage harmful to visual amenities of area.
- Garage fails to accord with paragraph 135 of NPPF.
- Garage fails to comply with Policy DMG1 and DMG2 of RVCS.

Garage by reference to bulk, massing, height and fenestration not a subservient incidental building

- 6.48 Many of the points covered and presented in support of our case against reason for refusal 1 also apply to reason for refusal 2, including with regard to the bulk, massing and height of the appeal development.
- 6.49 Regarding concerns that appear to have been made regarding fenestration, no fenestration is provided in main elevations that directly overlook any adjoining properties. What fenestration is provided in a main elevation is in the southern elevation and faces away from adjoining properties. Other fenestration is in the roof but is in the form of Velux Roof Lights. These are designed to allow natural light in to the roof space rather than to provide windows from which views will be available. But in any case they are a substantial height above the floor level and so cannot be looked out of; plus it is planned to obscure glaze them, and this can be controlled through use of planning condition.
- 6.50 We have also already albeit indirectly considered the point about whether the appeal development can be regarded as being a subservient development to, presumably, the development it is designed and intended to serve, Riverside Barn. Clearly, the appeal development is subservient to it by reference to footprint, floorspace, volume, massing and height and purpose. And in this regard it should be remembered that the development consented under planning permission ref no. 3/2020/0199, which is marginally smaller than the appeal development, was not regarded by the Council as unacceptable by reference to these matters, evidenced by the fact the application was granted.

Garage reads as a dominant, unsympathetic and incongruous addition

- 6.51 The appeal development is neither dominant nor unsympathetic nor incongruous by reference to adjoining and nearby developments. Instead, it can be argued as being of an appropriate scale and massing given its contexts; its design reflects adjoining developments as do proposed materials and it is in sympathy to it. And rather than it being incongruous to local developments, by reference to intention, use, siting, scale and design, the appeal development can be regarded as entirely appropriate. And this was accepted by the Council when granting the developments through planning permission ref nos. 3/2016/0664 and 3/2020/0199.

Garage harmful to visual amenities of area

- 6.52 It is simply unsustainable to claim that the appeal development is harmful to the visual amenities of the immediate and wider area. Indeed, it can only be seen and enjoyed from positions very close by (immediate setting) and this is private land. It cannot be seen, other than through glimpses, from the wider area. And in this regard the area supports a numbers of developments of different building styles and qualities, and we would say that the appeal development has to be regarded as one of the better developments in the wider area. And, as we keep labouring, there is little difference between the appeal development and the scheme proposed under planning application ref no. 3/2020/0199 which the Council was happy to grant.

Failure of development to accord with paragraph 135 of NPPF

- 6.53 Whereas reason for refusal 1 refers only to sub-paragraph (f) of paragraph 135 of NPPF, reason for refusal 2 refers to the full gamut of paragraph 135. Accordingly we now assess the appeal proposal in the contexts of the other sub-paragraphs, i.e., sub-paragraphs (a) to (e). For the sake of brevity we do not repeat our assessment of sub paragraph (f) which is set out at paragraphs 6.33 to 6.37 of the appeal statement.
- 6.54 Paragraph 135 is drawn from the chapter of NPPF which deals with achieving well-designed and beautiful places. The introductory paragraph to the chapter, paragraph 131, confirms, in summary, that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve; good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.55 Paragraph 135 sub-paragraph a) requires that developments should, inter alia, function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The appeal development will function well and will contribute significantly to supporting and improving the life style and needs of the appellants linked to where they live, what they do and when they find themselves working from home. In essence, the appeal proposal supports the residential use of Riverside Barn. It is also our position that the development will not detract from the overall quality of the area within which the appeal development is located. And in this regard it will be contained within a small enclave of development which is a focus for residential uses. And in this regard, it must be remembered that these points were accepted by the council when granting planning for a very similar development under planning permission ref no. 3/2020/0199. The differences between this permitted scheme and the appeal development are very small. It is our position that this should have been the conclusion of the council when applying this part of NPPF to the appeal development.
- 6.56 Regarding sub-paragraph b) of paragraph 135, which expects developments to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. It is our position that the development is visually attractive, benefits from good architecture, is appropriately sited and laid out and is sited in a well landscaped and attractive garden, which integrates very well with its immediate hinterland and the

surrounding countryside. The council arrived at the same conclusions regarding the scheme granted under planning permission ref no. 3/2020/0199, hence granting that planning application. The differences between the appeal development and the proposals granted under planning permission ref no. 3/2020/0199 are minor. This suggest that it is reasonable to assume that the Council should have arrived at the same conclusion with regard to the application of this sub-paragraph of paragraph 135 to the appeal development. We do not accept that the key differences between the permitted scheme and the appeal development are so significant to warrant refusal by reference to this element of the wider paragraph 135 of NPPF.

- 6.57 By reference to sub-paragraph c) of paragraph 135, developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). It is our position that the appeal development is sympathetic to local character and history – it is closely and satisfactorily related to an existing small enclave of development, which includes old, well-established buildings, and its design respects local vernacular and reflects the historic contexts of the site, albeit presented with a modern twist. This might not have been the case had its design been totally contemporary and deliberately intended to clash with the style of the adjoining properties. But this is not the case. But regarding this point, the council in the past has been happy to grant planning permission for modern / contemporary designed properties in this area. This is evidenced by the very large, modern and contemporarily designed dwelling located some 107m roughly to the south of the appeal site. This is in a much more exposed and visually prominent location than the appeal site and the development is substantially larger. This confirms that the council is not opposed to large, modern, highly impacting, in visual terms, buildings in this locale.
- 6.58 But a key point to make regarding the visual apparency of the appeal development is that it is too small in real terms to have a great impact outside of the confines of the curtilage of Riverside Barn. This, plus the other points already made, suggests it can be argued to be appropriate in the context of the appeal site's setting, appeal site contexts and the immediate hinterland and landscape setting of the appeal site, which the appeal development fits very well within, but which, in any case is set by the wider residential use of Riverside Barn, Beech House and Roth Holm combined.
- 6.59 But in any case the design guidance in NPPF (by reference to this paragraph) supports innovation and change, which as we have already advised, benefits how the appellants can use and enjoy their residence. These were all points accepted by the Council in its consideration of the scheme granted under planning permission ref no. 3/2020/0199. And as we have also confirmed above and covered in sections 2 and 3, a number of other, much larger and apparent developments, including one which is of a very contemporary style, have been granted in the immediate locale.
- 6.60 In terms of sub-paragraph d) of paragraph 135, the development establishes a strong sense of place in the context of the siting of the appeal development and its relationship to Riverside Barn, but we accept that this is a point that benefits mainly the appellant and his family. The guidance on streets and spaces is less relevant given the scale and contexts of



the appeal site and appeal development. The appeal development follows local building styles and materials and roughly replicates the development immediately to the north (granted under planning permission ref No. 3/2026/0664) and the garage granted under planning permission ref no. 3/2020/0199 at the appeal site. The appeal development is an attractive, welcoming and distinctive place, which benefits and will be well used by the appellant and his family and will positively contribute to where they live and how they use their house.

- 6.61 The nature of the appeal development means that sub-paragraphs e) and f) of paragraph 135 are not really relevant, although we have covered sub-paragraph (f) (paragraphs 6.33 to 6.37) as it is referred to in reason for refusal 1. For the record we can confirm that the appeal development is safe, inclusive and accessible; it creates a high standard of amenity for the existing and future users of the development; it will not give rise to crime and disorder issues nor will it raise or cause fear of crime issues, and it will not undermine the quality of life or community cohesion and resilience in the area.
- 6.62 We do not regard the council's criticism of the appeal development by reference to paragraph 135 of NPPF to stand scrutiny.

Failure of development to accord with Policies DMG1 & DMG2 of RVCS

- 6.63 We have addressed Council criticisms of the appeal development by reference to Policy DMG1 at paragraphs 6.38 to 6.45 earlier in this section of the appeal statement.
- 6.64 Regarding Policy DMG2: Strategic Considerations, this policy confirms that development should be in accordance with the RVCS development strategy and support the spatial vision.
- 6.65 We are surprised that this policy has been referred to. We say this because the policy is generally intended to be applied to developments above and beyond the scale and level of developments proposed under the appeal. The appeal development is a relatively small and discrete freestanding building fully contained within curtilage of an existing and long-established residence. It is in a domestic curtilage and for domestic use. Riverside Barn was designed and intended to serve residents living in the property.
- 6.66 The fact Riverside Barn is a residence that was created many years ago, it was created out of part of a wider former farm complex, it is long established, it comes with an extensive curtilage which can be considered suitable for developments of this nature, suggests that this policy cannot be considered entirely relevant to the appeal development. And again, as we have already stressed, the Council did not regard this policy to be breached when granting planning permissions for similar developments under planning applications ref nos. 3/2020/0664 (Beech House garage) and 3/2020/0199 (garage at appeal site).

Consideration of other planning, land use and development factors of relevance

Principle of development

- 6.67 Riverside Barn and its near neighbours, Roth Holm to the west and The Beaches to the north, are well established developments. They once formed part of a historic farm complex. This also contained other related outbuildings. The area immediately around Riverside Barn is densely developed. This confirms that the principle of development at this location, and we would also say the appeal site as it lies between Riverside Barn and Roth Holm, is well established. This principle was accepted by reference to planning permissions ref nos. 3/2016/0664 (Beech House garage) and 3/2020/0199 (appeal site garage).
- 6.68 Planning permission ref nos. 3/2016/0664 and 3/2020/0199 established precedents for large free-standing garages with roof accommodation in this area, thus accepting that such buildings can be regarded as acceptable in terms of this scale of domestic outbuildings.
- 6.69 Overall, it is our view that the principle of development at the application site is well established.

Relationship to adjoining properties

- 6.70 We have already covered this when addressing aspects of reasons for refusal 1 and 2, but the application site sits within what was once a small but densely developed former farm complex. The property to the north, Beach House and its rear garden, lies immediately to the north. Roth Holm is immediately to the west. While the properties are close by, their juxta positions and functional relationships mean they satisfactorily co-exist in the contexts of how they are lived in and used and regarding related levels of residential amenity that are created. And this situation will prevail with the proposed development in place.
- 6.71 To our knowledge, the owners of Beach House and Roth Holm are content with the proposed development and did not object to the appeal application.
- 6.72 As such, it is our view that the relationship of the proposed development to adjoining properties can be regarded as acceptable.

Impact on adjoining properties

- 6.73 As already set out, the appeal development is appropriate in design, scale and massing in the contexts of the application site and its immediate developed contexts. As such it will not adversely impact on adjoining properties, their garden areas, nor the immediate hinterlands of the properties in question by reference to visual, noise, shading or relationship factors and contexts.
- 6.74 Regarding relationship of the appeal development to adjoining properties, it is our view that the appeal development will not adversely impact on current levels of residential amenity that exists within the developed zone with which the two nearest properties to the appeal site currently enjoy.
- 6.75 The proposed development, like the scheme granted under planning permission ref no. 3/2020/0199, is designed and intended to park/store two vehicles (ground floor) and be used for home office purposes (first floor). Neither of these uses/operations will cause noise, disturbance or other impacts. And this was accepted through the granting of this permission. The same position applies to the appeal development.

- 6.76 In addition, like the consented scheme under planning permission ref no. 3/2020/0199, the appeal development is designed to face away from Beach House and Roth Holm, towards the south. And while there are three small Velux Windows in the roof, one of which faces west towards Roth Holm, and two face east towards Beech House, they are small, are too high to be directly viewed out of and are now proposed to be obscure glazed. No windows or glazed doors face either Roth Holm or Beech House. The obscure glazing requirement could be controlled through planning condition.
- 6.77 In addition, the activities planned to be carried out from/in the appeal development are wholly domestic and non-intrusive. Indeed, they only involve storage and home working – Adam and Hazel Richardson (appellants) are self-employed and while both work away from home most days of the week, administration of their businesses, which is only by them, is carried out from home.
- 6.78 Accordingly, the proposed development can be regarded as appropriate for the appeal site and appeal site related contexts and a precedent for this is established through planning permissions ref nos. 3/2016/0664 (Beech House garage) and 3/2020/0199 (Riverside Barn garage).

Siting, layout and design considerations

- 6.79 The appeal site is the optimum location for a development of this nature designed and intended to serve the occupants of Riverside Barn. Indeed, unless the site were to fit within/be part of the residential curtilage of the property it would not be able to serve the occupants as intended. Positioning the structure where it is proposed to be sited means it has a good/close relationship to the main property and can be easily accessed from the property. It also means it appears as a development that once formed part of the former farm and a natural adjunct of the property. If it were to be positioned further to the south, towards the River Ribble, in the main rear garden area, it might appear more prominent and a truly standalone development, which would increase its apparency and visual impact.
- 6.80 The proposed development, like the garage granted under planning permission ref no. 3/2020/0199, is rectangular in shape, and this is the optimum shape for such a structure. Orientating it as proposed, as per the consented version of the structure, meaning it is roughly orientated north to south, means it fits snugly into the application site and has a good relationship to Roth Holm. Accordingly, the layout proposed and granted for the original garage represents the optimum layout for such a structure.
- 6.81 The proposed design, which includes a pitched roof structure, with fenestration/juliet balcony plus safety railings at first floor level and a 2-car garage door at ground floor level in the southern elevation, in a finish to match the existing stonework of the adjacent properties, i.e., render plus stone facias, can also be regarded as suitable. This means the proposed structure will appear, in time, as if it were a building that formed part of the original farm complex.

- 6.82 Overall, it is our view that the siting, layout and design of the appeal development, which reflects that granted under planning permission ref no. 3/2020/0199 can be regarded as acceptable.

Height and massing considerations

- 6.83 We have covered height related matters in detail in Section 4 and through paragraphs 6.7 to 6.18 of this section of the appeal statement. Accordingly, we do not repeat these assessments here. However, we would stress that the height of the adjoining garage at Beech House we estimate to be 5.9m – 6m to ridge level. This is some 0.34m – 0.44m greater than the 5.56 m height (to ridge) envisaged under the relevant consent, planning permission ref no. 3/2016/0664. Its height is very similar to the height of the appeal development (to ridge), which is 5.96 m. It surely follows that if this height is regarded as acceptable with regard to the garage at Beech House it is also acceptable for a garage at Riverside barn. And the appeal development is +0.4m or +6% taller than a similar consented development (under planning permission 3/2020/0199). We regard an increase of 0.4m/+6% to represent a minor change. Indeed, it puts the change in the scope of what planning terminology usually terms and regards as de minimis.
- 6.84 We would reiterate this is not an issue to neighbours. The appeal development is lower in height than Beech House and Riverside Barn. It does not dominate in terms of its general height and massing. It is of a high quality in build terms. It has the character and feeling that it was once part of the original farm complex. As such it fits its site and immediate development contexts well.
- 6.85 Table 4.1 in section 4 of the appeal statement confirms other differences between key dimensions and massing indicators of the appeal development and that granted under planning permission ref no. 3/2020/0199. In our view the differences are not significant. We set out key ones below before describing the differences and considering the implications of each:
- Width: as proposed/built: 6.76m; as permitted: 7m; difference: -0.24m/-2%
 - Length: as proposed/built: 9.52m; as permitted: 9m; difference: +0.5m/5%
 - Overall floorspace (GIA): as proposed/built: 118 sqm; as permitted: 90sqm; difference: +28 sqm/+30%
 - Volume (GEA): as proposed/built: 315m³; as permitted: 263m³; difference: +52m³/20%
- 6.86 Regarding the width of the appeal development, the as built development is actually very marginally less wide than the scheme granted under planning permission ref no. 3/2020/0199.
- 6.87 On the length of the appeal development compared to the development granted under planning permission ref no. 3/2020/0199, the appeal development is slightly longer, but only to the tune of 5%, which in the context of a structure of this size makes the difference virtually indiscernible.

- 6.88 On the proposed floorspace of the appeal development, as already confirmed, while the increase appears large - +28 sqm, which equates to +30%, this is achieved, not by growing the ground floor, rather the first/roof accommodation by increasing the height to haunch level and altering the pitch of the roof. This allows the first/roof accommodation to matches the ground floor. It makes the building more efficient. However, it only involved a 0.4m increase in the overall height of the roof. As such it is our view that the increase can be regarded as acceptable.
- 6.89 Regarding volume, the same points made about floorspace above, least the key principles as to how the increase is achieved, also apply to volume increases, which are +52m³/20%. This is also achieved through the very minor/de minimis increase in the appeal development's overall height.
- 6.90 Based on the above, it is our overall view that the appeal development, compared to the development consented under planning permission ref no. 3/2020/0199, can be regarded as relatively minor, in some instances de minimis. But in any case the overall profile of the appeal development can be regarded as appropriate in height, footprint, massing and scale, and it also reflects the same details for the as built garage to the north, in the garden of Beech House, which suggests that, overall, the appeal development, can be regarded as acceptable.

Landscape and visual impacts

- 6.91 As already covered through the assessments already set out in this section of the Statement, the appeal development causes no landscape nor visual impacts due to the enclosed nature of the appeal site and the lack of clear and obvious views of the appeal development and the nature of the development itself. As such it is our view that the proposed development will not give rise to landscape nor visual impacts.

Accordance with development plan policy

- 6.92 It is reasonable to come to the view that because the garages/proposed developments consented under planning permissions ref nos. 3/2016/0664 (Beech House garage) and 3/2020/0199 (garage at Riverside Barn) were regarded as according with development plan policy, including the key Policies DMG1 and DMG2, and as the appeal development is so close to (and in some regards is smaller) to these developments in terms of its height, massing, design and orientation, it too can also be regarded as broadly confirming with development plan policy.

Material considerations

- 6.93 It is our position that, for similar reasons to those applying to development plan policy, including in relation to paragraph 135 which we have considered in detail, the proposed development can also be regarded as supportable by reference to NPPF.
- 6.94 In addition, it should be noted that Hazel Richardson is employed as a nurse/healthcare home visitor. She is on the road for much of the working week visiting patients. Related



administration and recording of her visits, which she has to undertake and manage, is done from home. Similarly, Adam Richardson is a physiotherapist. He works at various clinics/studios in the wider area. But he administers his work from home. Both propose to use the studio accommodation in the appeal development to undertake this.

Interim conclusions

- 6.95 By reference to points and arguments already set out in this Section of the Appeal Statement, we regard the development to be in accordance with development plan policies DMG 1 and DMG2, referred to by the Council in reasons for refusal 1 and 2. We also regard it to be in accordance with NPPF paragraph 135.
- 6.96 We also regard the appeal development to be acceptable by regard to the other criticisms of it raised through points and related comments set out in Reasons for Refusal 1 and 2, including siting, height, design, massing, design, overlooking, whether the appeal development is not subservient to Riverside Barn and whether the appeal development is incongruous and regarding visual impacts. Indeed, it is our strong view that none of these criticisms are sustainable by reference to sound planning arguments.
- 6.97 Importantly, and a highly relevant material consideration in the determination of the appeal is the fact the appeal development is little different to the developments granted under planning permission ref no. 3/2016/0664 (garage serving Beech House) and, perhaps more importantly, the development granted under planning permission ref no. 3/2020/0199 for a garage with first floor accommodation at the appeal site.
- 6.98 While we acknowledge that the appeal application that was refused and is now under appeal deals with a development that was built not in conformity with the scheme granted under planning permission ref no. 3/2020/0199 this does not automatically mean that the appeal development is unacceptable nor supportable in planning terms.



7 CONCLUSIONS IN SUPPORT OF APPEAL

- 7.1 The applicants acknowledge that the appeal is needed because a development has been constructed not in full conformity with the relevant planning permission applying to it, i.e., planning permission ref no. 3/2020/0199.
- 7.2 In our opinion the key difference is the height to ridge level but it is also our position that the difference between the development as built and that which was granted under planning permission 3/2020/0199 is not so great as to make the appeal development unacceptable in planning terms as claimed through the two Reasons for Refusal used to refuse planning application ref no. 3/2024/0437, the appeal application.
- 7.3 And this would also appear to be the position with the similar garage development to the north of the appeal site in the garden of Beech House granted under planning permission ref no. 3/2016/0664. And the key difference with this development is also height to ridge level. And in this regard the development has been constructed higher than the scheme granted planning permission under planning application ref no. 2/2026/0664. It was the height of this development which influenced the development, appeal development, to be built slightly taller than the scheme granted under planning permission ref no. 2/2020/0199 envisaged.
- 7.4 As such, and taking all other planning policy, general planning, development, land use and site related factors into account, including the fact it is our view the appeal development accords with development plan policy, and it complies with NPPF, including paragraph 135, it is our view this planning appeal and the development it support can be allowed.