

**TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 78**

**Proposed Dwelling 248 Preston Road Longridge - Application No: 3/2024/0348**

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**Application No: 3/2024/0348**

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 78, this appeal is against the Ribble Valley Borough council's decision for refusal of planning permission for the application 3/2024/0348 on the 18<sup>th</sup> of September 2024.

Appellant – David Bolton

Site Address - 248 Preston Road, Alston, Longridge, Preston PR33BD

Description of Development: Proposed detached self-build dwelling to the rear of the existing dwelling, including formation of a new access road and alterations to existing access and parking.

Planning Application No. 3/2024/0348 Decision Date: 18 September 2024

Submission Date of Appeal: 2<sup>nd</sup> December 2024

## **1.0 INTRODUCTION**

### **1.1 Summary of Appeal**

The planning application No. 3/2024/0348 for a proposed single story, detached self-build, to the rear of the existing single-story dwelling, including formation of a new access road and alterations to existing access and parking was refused on the 18<sup>th</sup> of September 2024.

The applicant does not agree with the reasons for refusal that are stated in the decision notice and believes that the stated conflicts to Ribble Valley Core Strategy policies used are not relevant to this single story, self-build development application. Conditions could have been easily agreed, or previously inadequate or additional information be requested to be resubmitted to clarify and resolve any shortfall in demonstration of mandatory requirements. In addition, notes from the planning officer did highlight considerations which were not detailed in the original application as were assumed unnecessary and again the applicant was not given the opportunity to demonstrate during the planning application process for further consideration by the RVBC.

## **2. Reasons for refusal of planning permission by RVBC, Notes & Officers Report.**

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 planning application of the above development for the following reason(s):

### **2.1 Refusal Reason No.1**

The proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of a new residential dwelling, located outside of a defined settlement boundary within the defined open countryside, without sufficient justification, in 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 or that the proposal would meet any of the exception criterion inherently contained within either policy.

### **2.2 Refusal Reason No.2**

The proposal is in direct conflict with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy insofar that the introduction of a residential dwelling in this location would result in significant measurable harm to the character and visual amenities of the defined open countryside and immediate character of the area. Particularly insofar that the siting of a dwelling in this location conflicts with and fails to respond positively to the inherent linear pattern of development that defines the character of the area in this location, resulting in the introduction of an anomalous, discordant, and incongruous pattern and form of development.

### **2.3 Refusal Reason No.3**

The application fails to provide adequate information to demonstrate that the proposal would achieve the mandatory requirement for Biodiversity Net Gain (BNG) or that it would meet one of the exemptions to BNG, which conflicts with the 2021 Environment Act.

## **2.4 Additional Notes on the refusal notice:**

2.4.1 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.

2.4.2 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.

2.4.3 This Decision Notice should be read in conjunction with the officer's report which is available to view on the website.

[https://m3bportal.south-east-2.amazonaws.com/batw/2024/0348\\_1167865.pdf](https://m3bportal.south-east-2.amazonaws.com/batw/2024/0348_1167865.pdf)

#### **2.4.4 Planning officer refusal notes summarised by applicant to highlight the key concerns.**

- Site located outside of defined settlement limits & boundary within the defined open countryside, without sufficient justification.
- Assumed Tier 2 village constraints and not essential to the local economy or social wellbeing of the area.
- The character of the area is defined by a distinct linear pattern of development, with the proposed dwelling, by virtue of its location and siting, being considered as being an anomalous introduction that would fail to respond positively to that inherent linear pattern of development.
- This as a self-build proposal as per the application submission, no legal agreement has been forthcoming to secure.

### **3. Reasons in support of refusal appeal & Notes**

#### **3.1 Reason No.1-Refusal appeal & notes**

Policies DMG2 and DMH3 summarise the strategic considerations and dwellings in the open countryside & the area of outstanding natural beauty.

The planning officers report (3-2024-0348 1167865) stated that "The application site is located outside any defined settlement limits, being within land that benefits from an open countryside designation" and also stated a that the area could be classed as tier 2 village, although the of area of what was the parish of Alston is not listed on page 39 of the core strategy as a separate defined settlement.

The applicant understands that this wasn't the case when the core strategy 2008 – 2028 a local plan for the Ribble Valley was initially written, there was no developments linking the local parish of Alston to the DS1 development strategy area of Longridge and a green belt existed which has now been further developed merging the two parishes by major development.

Please note a major development of 275 dwellings that was approved by the Council in February 2017 (Planning Reference 3/2016/0974) - since Core Strategy adoption.

The location of the proposed site is clearly situated within the Longridge parish boundary (P176 of Core strategy Adoption version) and is now physically connected to the DS1 development strategy area of Longridge area with no break in development or green belt. There is no longer an area of underdeveloped land between the site and the DS1 development strategy area of Longridge. The site location local area is now more industrial rather than an area of outstanding beauty due to the large growth of the Bolton Fold Farm Dairy and associated agricultural buildings, the expansion of the Ann Fawshaw's dairy factory (with heavy goods vehicle loading facility) and large United Utilities Water treatment works and office buildings (White Bull) all within 200 meters of the site.

The applicant believes that the site location has been unfairly classified by the RVBC planning officer and the site should be classed as part of the DS1 development strategy area of Longridge as the core strategy 2008 – 2028, local plan for the Ribble Valley suggests.



Regardless of the area classification the applicant appreciates that the planning statement issued did not demonstrate the reasons for the site development by the applicant. These reasons stating the purpose of the development could have been used to help justify a positive outcome of the planning application.

The planning statement did state that the proposal will contribute to meeting the increasing demands of an ageing population and identified the housing need (**KSH1 and KSH2**), and the proposal takes full account of the various development management requirements set out in policy **DMG1**.

The purpose of the site development proposal by the applicant was to provide the following:

Long term goal of providing an additional residential property to the local area suitable for the elderly or disabled people by designing and developing a single-story dwelling. The applicant believes that there is a shortage of these properties in the area and envisages



a future increase in demand and the development will enable local people to stay in the area and that there is a real requirement for 15% of large developments to be units for the elderly (over 55 yr olds) built to lifetime homes standard. The provision of such housing has the additional benefit of freeing up larger family dwellings to meet the needs of younger families.

The existing 248 Preston Road property is also a single-story dwelling and as part of the development project the applicant wishes to modernise the existing property and external area to make it more suitable for elderly & disabled people. To enable this the single level bungalow is to be designed as an *Accessible and Adaptable dwelling* to meet the optional requirement M4(2) of the Building Regulations to make reasonable provision for most people to access the dwelling incorporating features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users.

Short term goal also due to the applicant having elderly relatives currently living on their own and has younger dependants. With the proposed site in proximity of the proposed dwelling it could be used to house dependants when circumstances change. This was also the main driver for the previous application in 2016 which was rejected and grandparents ended up in a care facility.

Short term goal of using the site build as a start-up project for recently incorporated construction company "Bolton Developments Limited C/N 15828251, to enable continuous work and the training of inexperienced staff and this is the reason for the self-build. The aim of the company is to conduct construction work in the local area, while using purchased developments to enable continuous work to fall back on.

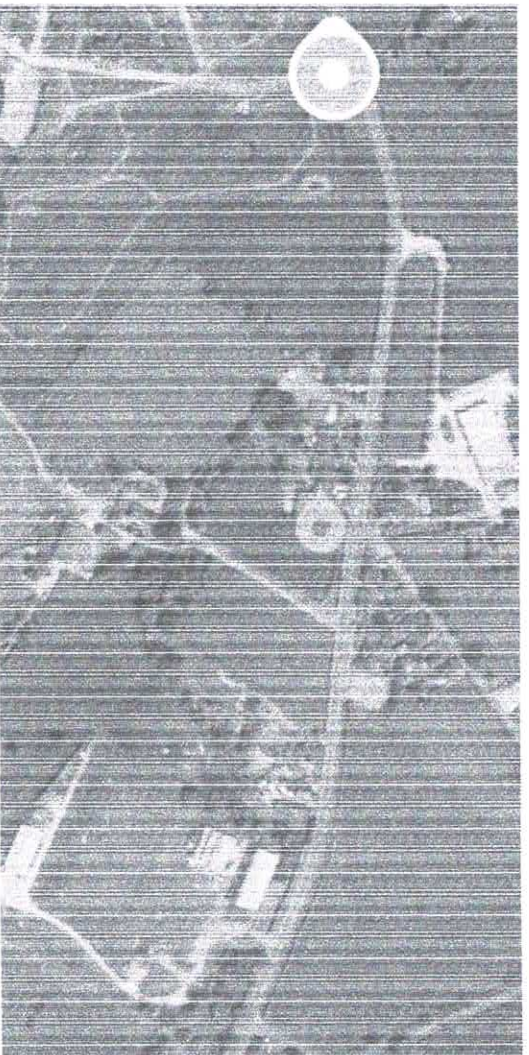
The construction of a dwelling and associated improvements and modifications to the wider site albeit temporary would provide work for a small builder and associated employment.

### **3.2 Reason No.2 refusal appeal response by applicant**

The proposal has been considered by the RVBC as a direct conflict with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy, the applicant's understanding of these policies in summary as the vision for the area in achieving quality development and delivering sustainable development.

It is unclear to the applicant to which parts of the proposal are in direct conflict with these policies.

The only information given by the refusal notice is regarding the design appearance, character, and visual amenities. Stating the following "Particularly insofar that the siting of a dwelling in this location conflicts with and fails to respond positively to the inherent linear pattern of development that defines the character of the area in this location, resulting in the introduction of an anomalous, discordant and incongruous pattern and form of development."



Google earth photo showing 200m area from proposed site.

The character of the immediate area only has been defined in the report as a distinct linear pattern of development, which may look to be the case from the roadside. If the area defined was expanded to a 200m radius the area is not linear with at least six existing properties set further back from the proposed site.

The applicant disagrees with the above statement and in addition as the scale and siting of the property is such that in combination with adjoining developments and existing



and in addition due to the proposed boundary trees and hedges it will be significantly screened from view.

The proposed single-story dwelling and existing single-story dwelling will retain a good amount of amenity space amply sufficient to meet the needs of properties of their size and are similar in style and appearance. It is understood that the proposed dwelling will not be strictly linear in location along the Preston Road, however the proposed development does follow the pattern of similar the existing dwellings in the area. The property will be of an attractive appearance and incorporate photovoltaic roof panels improving energy efficiency **(KS3)**.

There has only been one third party complaint regarding the proposed development and that was on the grounds of access and not regarding the design appearance, character, and visual amenities.

The access to both the existing and proposed dwellings have been deemed acceptable by the health and safety executive.

[https://weupload.ribblevalley.gov.uk/planx\\_downloads/24\\_0348\\_HSE\\_Response.pdf](https://weupload.ribblevalley.gov.uk/planx_downloads/24_0348_HSE_Response.pdf)

Which would conclude that none of the residents have issues regarding the proposal and with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

In addition, the planning statement and issued documents detail a wider improvement to the appearance of the entire site and street scene in terms of the frontage to Preston Road that is currently unkempt and unattractive, with a hotchpotch of structures and dilapidated fencing.

The proposal will make positive use of a large garden area that is currently underutilised and in an unkempt condition. The scale and siting of the property is such that in combination with adjoining developments and existing and proposed boundary trees and hedges it will be significantly screened from view. The dwelling will be screened from Preston Road by the substantial property to the south and by frontage development from the north. From the local footpath network, it will be viewed exclusively against a backdrop of existing larger properties or mature trees and be an improvement from its current condition and entire existing site in line with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

### 3.3 Reason No.3 refusal appeal response by applicant.

The planning statement issued as part of the planning application specified the requirement to achieve the following:

**BIODIVERSITY** – Policy DME3 of the Core Strategy states that developers are encouraged to consider incorporating measures to enhance biodiversity. This advocacy approach has now been replaced by a statutory national requirement. From April 2024 all planning permissions for major and minor developments granted in England, will have to deliver a minimum 10% Biodiversity Net Gain.

Link to planning statement on web portal below:

[https://webportal.dblevalley.gov.uk/plans\\_downloads/24\\_0348\\_Statement.pdf](https://webportal.dblevalley.gov.uk/plans_downloads/24_0348_Statement.pdf)

The delivery of a minimum 10% Biodiversity was demonstrated by the following means:

- 1) an arboricultural impact assessment which detailed the existing site biodiversity and the showed the proposed development having no effect on the biodiversity a 0% net loss.

[https://webportal.dblevalley.gov.uk/plans\\_downloads/24\\_0348\\_Arboricultural\\_Impact\\_Assessment.pdf](https://webportal.dblevalley.gov.uk/plans_downloads/24_0348_Arboricultural_Impact_Assessment.pdf)

- 2) The issued proposed site plan which showed indicative new trees and shrub planting.

[https://webportal.dblevalley.gov.uk/plans\\_downloads/24\\_0348\\_Proposed\\_Site\\_Plan.pdf](https://webportal.dblevalley.gov.uk/plans_downloads/24_0348_Proposed_Site_Plan.pdf)

The above documentation shows a proposed eight trees and shrubs, in the addition of the existing four trees, shrubs and shared hedgerow owned by the applicant, which is more than a 10% gain. It can easily be seen that a 10% biodiversity Net gain is achievable within the undeveloped remaining site area. This refusal reason could have been easily changed to a condition rather than a refusal, which the applicant has already stated the willingness to achieve in sections 5.16 to 5.22 in the supporting planning statement issued with this application. Noting a net gain in biodiversity through a tailored package of proposals that will be drawn up prior to development commencing.

### 4. Site Existing & proposed Plans for information

[https://webportal.dblevalley.gov.uk/plans\\_downloads/24\\_0348\\_Existing\\_Site\\_Plan.pdf](https://webportal.dblevalley.gov.uk/plans_downloads/24_0348_Existing_Site_Plan.pdf)

[https://webportal.dblevalley.gov.uk/plans\\_downloads/24\\_0348\\_Proposed\\_Site\\_Plan.pdf](https://webportal.dblevalley.gov.uk/plans_downloads/24_0348_Proposed_Site_Plan.pdf)



## **5. SUMMARY AND CONCLUSIONS**

In summary the applicant understands that the final planning decision was previously refused for the conflicts with the following Policies:

- DMG2 and DMH3 of the Ribble Valley Core Strategy
- Policies DMG1 and DMG2 of the Ribble Valley Core Strategy
- Biodiversity Net Gain (BNG) 2021 Environment Act.

The fundamental issues addressed.

- The site is located outside of the original defined settlement limits & boundary and in 2014 would have been classed as open countryside and require sufficient justification. The applicant believes that the policy for this area should be reviewed as per the latest NPPF.

- As the area is difficult to classify the assumed Tier 2 village constraints have been used in this decision. If this is deemed the classification of the area it should really be listed and clarified as such in an updated version of the Ribble Valley Core Strategy. The applicant believes the proposed dwelling will be essential to the local economy or social wellbeing of the area due to the shortage of available accommodation for elderly and dependant relatives.

- The character of the immediate area has been defined in the report as a distinct linear pattern of development, which may look to be the case from the roadside. If the area defined was expanded to a 200m radius the area is not linear with at least six existing properties set further back on Preston Road from the proposed site.

- This as a self-build proposal as per the application submission, legal agreement can be applied for in accordance with the Self-build and custom housebuilding act 2015. The applicant is already the landowner and believed that this would only be required upon the approval of the planning permission and constraints could be put in place by the RVBC. Please note that this information was not requested at the planning application stage but used as a reason for final decision rejection.

The applicant disputes these policy conflicts and believes in good faith that reasons and notes for each case to be reviewed as part of the appeal process has been demonstrated.

The applicant believes it is evident from the submitted plans that the application proposals would not erode any residual rural character of this part of the "countryside." The approval of the proposals, whilst departing from the provisions of Policies KS1 and DMH3 would not in any way undermine the objectives of those policies, although believes that the policies should be continuously reviewed.

The National Planning Policy Framework makes it clear that:

*Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*

Such material considerations clearly exist in this case in that granting permission would:

- Comply with the wording of the policies of DMG2 and DMH3 of the Ribble Valley Core Strategy
- Comply with the wording of the Policies DMG1 and DMG2 of the Ribble Valley Core Strategy
- Result in sustainably located development that poses no harm to the development strategy or to the appearance and character of countryside,
- Comply with other development management policies and objectives.
- Deliver other planning benefits in terms of the appearance of a presently unattractive and unkempt site, an addition to the housing stock of a form of dwelling that is much in demand, and in economic activity.
- Would comply with the Biodiversity Net Gain (BNG) 2021 Environment Act and deliver a 10% net gain in biodiversity.

As such it is respectfully suggested that this is an instance where an exception to the strict application of development plan policy is warranted as the existing policy is unclear, other factors have been demonstrated relevant to this development, should be considered and that permission should be granted.

The applicant would like to thank those involved for your time, patience and understanding regarding this matter.