

Appeal Statement

Mr S & Mrs A Whitehurst
Application Ref 2025/0531
Land to the rear of 19 Pendle St East
Site Address Land rear of Pendle St East, BB7 9FX

The reasons we disagree with the Ribble Valley Borough Councils decision to refuse planning permission are as follows.

The first part of the refusal refers to not meeting Key Statement DS1 and Policies DMG2 and DMH3

We are looking to build a single storey Bungalow in our existing Garden to meet our specific needs to downsize and be able to stay in our Village of Sabden. Whilst the pre-application advice advises that the development would not be supported, a policy that limits our opportunity to downsize in this self-build way would appear contrary to the stated intentions of the NPPF to provide for particular community needs for self-build or retirement style homes. Policy DS1 also states it would support development for local community needs. This application presents the direct need of a member of the local community. Local policy that does not allow development of single plots within the village in the way would therefore appear contrary to the NPPF and therefore out of date.

This development would be a limited infill site within a defined Village boundary. The site is not within the Green Belt. However, it is interesting to note that national policy relating to the Green Belt specifically allows for limited infilling in villages. In effect, the approach set out in the pre-application advice means that land defined as being within the village settlement is more restrictive to new development than if the development was in a Green Belt and their protection (paragraphs 142 of the NPPF), This approach also appears contrary to the NPPF.

The Pre-Application advice refers to the Village of Sabden as an unsustainable location and unsuitable for the residential development of a single house, due in part to their consideration of the plan being up to date. Use of these terms 'unsustainable' and 'unsuitable' is a serious misinterpretation of local policy in the development plan. The village is a Tier 2 village settlement defined in the RVCS policy, which relates to sustainable locations. Whilst Tier 2 villages are considered less sustainable than the larger villages and towns, this is nature of a hierarchy and it cannot be argued the location is unsustainable. Whilst an argument can be made that the policy seeks to restrict additional development beyond the number of houses set out in the RVCS, this argument must also acknowledge that the policy takes this approach as it considers sites for new development as Committed Sites meet that housing need.

The Committed Site immediately adjacent to our Garden therefore is relevant to the application. This site was included within the development plan as a planning consent for 17 dwellings, which formed part of the assessment in the RVCS as to whether or not more development was needed in the Tier 2 Villages. As this site has not been developed, and we understand the consent has expired, that commitment for development up to 2028 can now be argued to now be met in part by this application for a single dwelling. This argument would fully support development of the application site.

Furthermore, a more recent application for the site next to our Garden was proposed for 16 dwellings, reducing the overall commitment by a single dwelling. Whilst this application was withdrawn, it is a further compelling argument that the site immediately next door can now take that specific commitment for development in the village already acknowledged in the housing numbers. Again, this argument would support development of our site.

Irrespective of these arguments, we also consider, as above, that the proposal is a self-build project that meeting the direct local need of our family already living in the village, and this complies with policy DS1 and the NPPF as a material consideration in decision making. This argument supports consenting the application in the specific circumstance of the application made.

The application proposed is also considered acceptable in design and scale, having limited impact on the immediate locality or the national landscape. The use of this existing residential garden makes efficient use of the land already defined within the village settlement. In effect, the application meets a direct need and is a suitable design in the location. To refuse such an application for a single dwelling on the basis that the large scale housing development needs across the whole district over a 20 year period would be to disregard much of the planning merits of the application and making good use of the planning merits of the application and making good use of sustainable location for specific development needs.

This approach by the local authority leaves us in a situation where a single dwelling in our garden for the purpose of downsizing so our adult son and his family can live in our property can never be acceptable in our village of Sabden. This is despite the site being a location within the defined settlement of a sustainable village and with a proposal that the pre-application officer considered had limited impact in the landscape and in general design terms to be acceptable.

Given the need to maintain a five year land supply of housing and with regard to the increase in housing that is proposed in the future, we would argue that the sufficient details of the site and the surrounding context, and the nature of the proposal, mean the development should be supported and planning consent given.

Policy DMG3 we all live in 19 Pendle St East at the moment so there will be no extra traffic or strain on the existing transport network.

Building Materials and Parking

We went with vertical timber cladding as we had a large timber shed on the proposed site and before the garage was built on land adjacent to our Garden there was a large Stable Block and Storage also built in vertical timber, Sabden is in a rural area and the surrounding farms have vertically timber clad buildings, Also using sustainably sourced timber it will be more environmentally friendly than using concrete blocks and render.

With the positioning of the one story Bungalow in the Garden the only part of the bungalow to be seen will be the roof which will be covered in natural slate.

The refusal says 'The proposed dwelling is faced entirely in vertical timber cladding. Given the use of mixed materials in the vicinity, the use of some wooden cladding is not opposed. However, the introduction of a building entirely clad in timber and with significant levels of glazing is at odds with the surrounding built form. As proposed the design is not considered appropriate to the location, being within the National Landscape'

There is no one specific style of housing in the village and some of the designs passed by RVBC would fall into the category of 'At odds with the surrounding built form. Some examples attached.



Stubbins Vale,
Sabden, BB7 9FS



Stubbins Vale Caravan Park, Stubbins Lane, Sabden, BB7 9EP

Residential only Caravan Park



Bottom of Stubbins Lane, Sabden, BB7 9EP



St Nicholas Mews, Sabden, BB7 9HU



Cobden Close, Sabden, BB7 9UY,

As you can see from the above pictures it is questionable what can be classed as inappropriate for the village. As we mentioned previously we are a rural village and the design of our property is a nod to its agricultural heritage with a modern twist.

There is a section which RVBC are saying that the parking facilities are too far away from the house, in the pre-application they said it was destroying the natural beauty of the area by having a drive and parking outside the property, we compromised by having the parking at the bottom of the garden then a path up to the proposed Bungalow. RVBC are now contradicting themselves by saying the parking area is too far away from the house. I don't see what the issue is as it is our garden and we keep Hens at the top and also access the bridle way from the top of the garden so the distance seems irrelevant in this instance as we are always walking the length of the garden.

Neighbouring Amenity

RBVC state 'The submitted noise impact assessment does not effectively assess the potential noise impact implications for future occupiers of the proposed dwelling. Therefore, it cannot be concluded that the proposed development would be sympathetic to neighbouring land uses and that future occupants would not be subject to adverse noise issues contrary to paragraphs 135 and 187 of the National Planning Policy Framework and policy DMG1 of the Ribble Valley core strategy'.

I am attaching the response from Bench Mark Acoustics in response to this section. Images included in the email have not come through but with his responses it will tie into the RVBC response.

Further to my telephone call this morning, I am writing to comment on the Delegated Report for the above planning application, specifically with reference to the Neighbouring Amenity section which comments on the noise impact assessment (NIA) submitted with the planning application.

I am particularly concerned by the following highlighted comments from the Delegated Report and the subsequent Decision notice, which I consider to be unjustified.

The Delegated Report comments that:

With regards to the highlighted comment regarding 'no source details' being provided for any of the LAFmax measurements above 70 dB, the NIA report clearly notes that the periods during which these particular noise levels occurred, including the night-time period (23:02 – 07:02 hrs), were from an unattended noise survey hence observations of the noise sources over these periods are not available. Irrespective of the sources of the measured LAFmax noise levels, the relevant LAFmax measurements have been included in a robust design assessment of night-time LAFmax noise levels as reported in the NIA and discussed further in my comments below.

The Delegated Report goes on to comment that:

It should be noted that the consideration of the LAFmax noise levels in this context relates to the assessment of internal noise levels in bedrooms over the night-time period (i.e. 23:00 – 07:00 hrs).

The proposed assessment criteria for LAFmax night-time internal noise levels are outlined in section 3.0 of the NIA report and are referenced from nationally recognised planning guidance (ProPG: Planning & Noise 'Professional Practice Guidance on Planning and Noise: New Residential Development national planning guidance) and Building Regulations (Approved Document O: Overheating). The relevant design criteria from ProPG and AD-O, as presented in the NIA report, are summarised below for reference:

As noted in the highlighted Delegated Report comments, the NIA report states that the 2nd highest LAFmax has been used to assess the building envelope sound insulation performance required to achieve the ProPG internal LAFmax noise levels within bedrooms.

The use of the 2nd highest measured LAFmax to assess suitable glazing and ventilation sound insulation performance requirements will result in a single occurrence of an individual event exceeding LAFmax 45 dB in bedrooms over the night-time period (i.e. all external LAFmax events below the highest value measured over the night-time period will result in internal noise levels in bedrooms that do not exceed the ProPG recommended internal limit of LAFmax 45 dB), which is a robust design assessment compared with the threshold of 10 events exceeding LAFmax 45 dB within bedrooms required by the ProPG criteria.

Whilst compliance with the overheating requirements of AD-O is a Building Regulations matter rather than a planning requirement, an indicative simplified AD-O assessment has been provided in section 5.1.3 of the NIA report indicating that the AD-O recommended internal night-time limit of LAFmax 55 dB would be achieved with open windows for the 4th highest measured LAFmax over the night-time period (i.e. all external LAFmax events below the 3rd highest value measured over the night-time period will result in internal noise levels in bedrooms that do not exceed the AD-O recommended internal limit of LAFmax 55 dB when windows are opened to mitigate overheating). The resulting 3 events exceeding the LAFmax 55 dB limit over the night-time period is well below the 10 events threshold required by AD-O.

Based on the proposed assessment criteria and calculation methodology outlined above, it is clear that the comment from the Delegated Report that the '1st highest LAmass levels should be used in calculations in order to depict a worst-case scenario and ensure the protection of residential amenity..' is completely unnecessary and could result in significant over design, and the subsequent statement that '...On this basis, it is not considered that the noise report effectively assesses the potential noise impact implications for the occupiers of the proposed dwelling...' is unjustified.

I would be grateful if you would review the above comments with the case EHO for this planning application and reply with any feedback on the matters raised, or any further comments on any specific concerns over the noise assessment, its calculations, or the validity of the submitted report.

Regards

Alex
Alex Taylor BSc(Hons) MIOA
Principal Acoustics Consultant

In addition to the noise level we are an existing garden that was there before the Garages were built and the garage is also close to property on Pendle St East and Watt St, therefore if the noise from the garage was to increase these property owners can object to the noise levels.

The garage has a holiday cottage next to the garage (Prancing Horse Cottage) BB7 9FX.

I would imagine they would not increase the noise levels as it would affect the Holiday Cottage on their premises.



Approximity of the Prancing Horse Cottage to the Garages