

Planning Appeal Statement of Case

Cliveden, Sandy Bank, Chipping. PR3 2GA

January 2022

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Planning Appeal Statement of Case

This planning statement of case is made in support of an appeal against the decision of Ribble Valley Borough Council to refuse planning consent for a proposed annexe [REDACTED] at Cliveden, Sandy Bank, chipping. PR3 2GA

1 Site Location

1.1 The application site comprises an extended dwelling set within a substantial residential curtilage. There are several substantial outbuildings within the curtilage. The whole of the site lies within open countryside within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

1.2 The site is accessed off Longridge Road via Sandy Bank and then by an unmade and un-adopted private drive that serves the appeal site and several other properties within the immediate vicinity.

2 Most relevant Planning History

2.1 Application 3/2015/0887 sought consent for alterations and extension to the existing dwelling to form a 5-bedroomed property; the application was approved and has been fully implemented.

2.2 Pre-application advice was formally sought by the appellant's architect, Peter Hitchen Architects Ltd (PHA); the planning authority intimated that such a proposal would be supported given the "special needs" requirement but that any such annexe would need to be physically attached to the existing dwelling.

3 *The Appeal Proposal*

3.1 In essence, the appeal proposal amounts to the provision of a single storey annexe building to include 2 bedrooms, a small living room, a kitchen/diner, study, bathrooms and an en-suite; the proposed annexe is detached from the main dwelling.

3.2 As a material consideration in the determination of this appeal the appellant, through his project architect Peter Hitchen Architects Ltd, wishes to draw to the attention of the Inspector, the supporting evidence included with the application to the planning authority. This comprised:

- An extremely detailed design statement for the annexe
- An extremely detailed supplementary statement that set out the specific requirements for such an annexe building given the [REDACTED] requirements of the applicant/appellant
- A detailed personal statement from the applicants/appellants setting out the specific requirements for the annexe, the need for it to be detached together with the special requirements.

3.3 It is respectfully submitted that these documents have all been seen by the planning authority when dealing with the application; they are a material consideration in the determination

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of this appeal; they are appended to the appeal statement of case and, it is submitted, must be given due weight in the determination thereof!

4 The Development Plan

4.1 In preparing this statement, full regard has been made to the relevant policies in the Adopted Core Strategy. Current Government advice contained in the National Planning Policy Framework (The Framework) has also been considered. It is respectfully considered that the following Development Plan Policies are the most relevant against which to assess the merits of the proposal:

Ribble Valley Core Strategy

Key Statement DS1: Development Strategy

Key Statement DS2: Presumption in favour of sustainable Development

Development Strategy

Policy DMG1: General Considerations.

Policy DMG2: Strategic Considerations.

Policy DMH5: Residential and Curtilage Extensions..

National Planning Policy Framework (The Framework)

Chapter 2 achieving sustainable development

Chapter 8 promoting healthy and safe communities

Chapter 9 promoting sustainable transport

Chapter 11 making effective use of land

Chapter 12 achieving well designed places

Chapter 15 Conserving and enhancing the Natural Environment

5 The Case and the Planning Balance

5.1 It is respectfully considered that a single issue falls to be considered in this appeal and this relates to the appropriateness of the proposal in terms of its detached nature and the level of accommodation provided, when assessed against the clear and obvious [REDACTED] of the appellant in providing the care needed for a [REDACTED] family member.

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6 Planning Policy Assessment

The Framework

- 6.1 The Framework fully supports all efforts to promote sustainable development wherever that may be. **Chapter 2** is explicit. The planning authority does not put forward any evidence to suggest that the proposal fails to meet the requirements of chapter 2. The application proposed is for the provision of a single storey detached annexe. Such development will meet the very specific requirements of the appellants in providing the specialist care needed for their [REDACTED]. It is respectfully submitted that the proposal meets the requirements of NPPF that it will clearly meet an economic, social and environmental objective. There is no reference in the case officer's delegated report proposal that demonstrates a failure to meet these objectives.
- 6.2 At **Chapter 9**, the Framework encourages and fully supports sustainable transport; the planning authority offers no evidence that the appeal proposal is not sustainable in this regard. There is no public transport available to serve the appeal site. It will be noted that the annexe will provide facilities for a full time carer and which is required. There is no greater demand placed upon the private motor vehicle than currently exists at the site. The proposal does not conflict with the requirements of The Framework in this regard.
- 6.3 At **chapter 11** the Framework sets down the tests for making the most effective use of land both urban and rural. The appeal site sits within existing residential curtilage; further, as the case officer specifically mentions in her delegated report, *"consideration must be had to the cumulative impact of development on the character of the AONB landscape but in this case the building will be located in an unobtrusive position in the property's garden within an existing cluster of buildings and would be constructed using traditional materials. It is considered that the character of the landscape would be maintained and the visual impact minimal."* The proposal is not in conflict with The Framework in this regard.
- 6.4 At **Chapter 15**, the Framework support proposals that seek to safeguard, conserve and enhance the natural environment. No evidence is presented in the reason for refusal that remotely suggests that the appeal proposal will damage or harm the natural environment. The appeal site is contained within existing residential curtilage; it is extremely well landscaped and protected from any long distance views; the annexe will sit comfortably on site. The proposal meets the tests set down in the Framework in this regard.
- 6.5 It is respectfully submitted that the appeal proposal is in accord with the requirements of The Framework

Development Plan Core Strategy

- 6.6 The attention of the Inspector is drawn to the fact that, in the reason for refusal put forward by the planning authority, reference is made to 2 core strategy policies only, DMG2, DMH5.

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Policy DMG2-Strategic Considerations

- 6.7 This policy requirement states that within tier 2 villages and outside the defined settlement areas, development must meet at least **one** of a number of listed considerations (1-6 inclusive); in dealing with this appeal it is respectfully submitted that the most relevant considerations fall within number 1 and 5. It is further considered that those listed in 2, 3, 4 and 6 are not material or relevant to this appeal.
- 6.8 In dealing with policy DMG2 (1); Whilst the appeal proposal is not essential to the local economy per se, it is respectfully submitted that, because of the “very special circumstances” put forward by the appellants, the appeal proposal can reasonably be considered as necessary for their personal social well-being. They have presented details of their needs and requirements [REDACTED]. Nowhere in the delegated report, does the planning authority offer any evidence that the appellant does not make out a case for these special needs. The appeal site lies in open countryside within the AONB; it lies within established residential curtilage; the case officer acknowledges that the annexe will occupy a position within the curtilage, close to a cluster of buildings and as a consequence will have no adverse impact upon the character or visual amenities of the AONB. Nowhere in the case officer’s report is there any adverse comments made with regard to the design, external appearance or functionality of the proposed annexe. It frankly appears to the appellant that the only concern of the planning authority is that the annexe is detached from the main dwelling. The appellant has presented a detailed reasoning as to why that is necessary. The planning authority has presented no sound reasoning by way of rebuttal as to why, in the circumstances of the appeal proposal, is it necessary to have the annexe physically attached to the main dwelling. The proposal meets the requirements of this element of the strategic policy in every respect.
- 6.9 In dealing with policy DMG2 (5); it is respectfully submitted that the appellant has put forward a very compelling argument on personal grounds for the annexe to be as it is proposed in this appeal. It is considered that the proposal is small scale, is appropriate to a rural area because the annexe will be strategically sited within established residential curtilage within a cluster of existing buildings. Nowhere does the policy specifically demand that an “annexe” must be physically attached to a main residence.
- 6.10 It is respectfully submitted that the appeal proposal meets the tests set down in Policies DMG1 and DMH5 of the Core Strategy and that the proposal can be approved without prejudice to the overall implementation of the Core Strategy insofar as it relates to development within the AONB

7 Planning Conditions

- 7.1 Throughout the whole determination process of the application with the planning authority, the appellants have made it very clear from the outset that they would accept conditions that relate specifically to the use of the annexe at all times and that the use thereof shall be solely used for the benefit of the care required for [REDACTED]. It is respectfully submitted that two planning conditions can be imposed in this context; one relating to the specific use of

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the annexe and a second relating to a personal condition in that the use of the annexe shall enure for the benefit of [REDACTED] in the provision of [REDACTED] care. It is submitted that both conditions, so worded, would meet the test of the relevant conditions circular (as amended)

8 Conclusions

- 8.1 This planning appeal proposal seeks consent for a single storey annexe to meet the very specific requirements of the appellant in meeting the special needs of [REDACTED]. It would appear that the sole objection to the proposal raised by the planning authority relates to the fact that the annexe is not physically attached to the main dwelling. The appellant has made it very clear as to why that is the case in this specific instance. The planning authority can impose conditions, in full agreement with the appellant, that would safeguard the AONB from unwarranted development.
- 8.2 For the reasons set out in the statement of case, the proposal is considered to comply fully with Ministerial and Development Plan policy. It is respectfully requested that the appeal is allowed and planning permission granted, with conditions, for the development as set out in application 3/2021/0989

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