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23<sup>rd</sup> December 2022

Our Ref: 22-1329

Dear Sir/Madam,

**RE: APPEAL AGAINST REFUSAL OF A PLANNING APPLICATION (LPA REF: 3/2022/1440) FOR THE RETENTION OF A GARDEN ROOM/HOME OFFICE AND GARDEN SHED. RESUBMISSION OF 3/2021/0462.**

**AT: 1 PARK ROAD, GISBURN, BB7 4HT**

1. An appeal is made against the decision made by Ribble Valley Borough Council ('the LPA's') to refuse planning permission for the retention of a garden room/home office and garden shed that has been erected in the grounds of no. 1 Park Road, Gisburn ('the site') which is a Grade II listed building (list entry: 1317720) set within the Gisburn Conservation Area. The appeal is made on behalf of Mr. Paul Hargreaves ('the Appellant') alongside the submission of a costs claim against the LPA. The grounds for the cost claim are set out within a separate letter submitted with this appeal.
2. The appeal is made under section 78 of the Town and Country Planning Act 1990, and this covering letter has been prepared in response to the reason for refusal. This letter should be read in conjunction with the other submitted documents and drawings that formed part of the original planning application, including the detailed Planning Statement and detailed Heritage Impact Assessment, alongside the essential documents provided in association with the appeal.

**BACKGROUND**

3. The application was submitted to the Council on full application forms, however it has been considered by the LPA as a householder application, on the 3<sup>rd</sup> of May 2022. It was accompanied by the relevant plans, technical documentation and other supporting information. The application was later made valid on 8<sup>th</sup> June 2022 following some small revisions to the plans as requested by the Case Officer. The application was subsequently refused under delegated powers on the 4<sup>th</sup> of October 2022.

4. The decision notice gave one reason for refusal which reads as follows:

*'The development has a harmful impact upon the setting of listed buildings, the character and appearance of Gisburn Conservation Area and the setting of Gisburne Park historic park and garden because it is unduly prominent, incongruous and conspicuous as a result of siting, roof form, fenestration and materials. This is contrary to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy.'*

5. The proposed development is located within the rear garden of the existing dwelling at 1 Park Road, which is the applicant's property and place of full-time residence. A red line boundary plan of the site is provided with this submission and an aerial view of the site within its surroundings is provided at Figure 1 below.

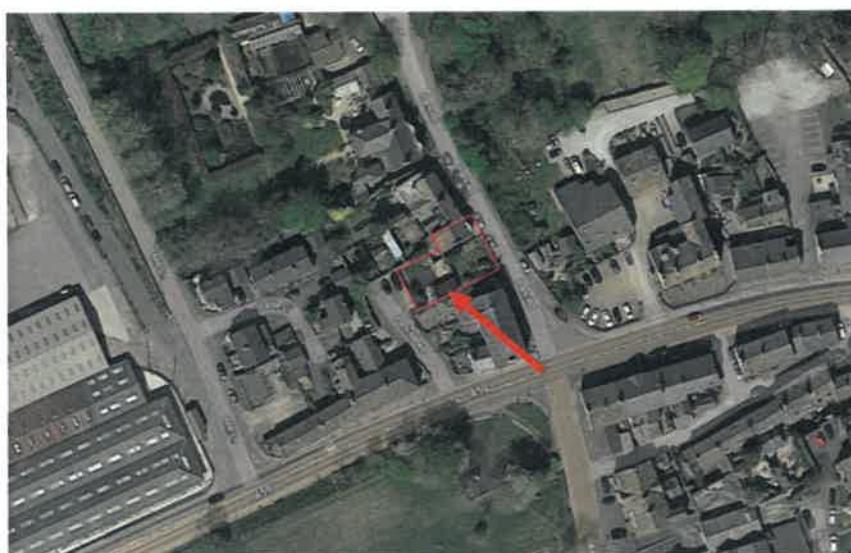


Figure 1: Site outlined in red, with arrow to designate garden room (source: Google Earth, not to scale)

6. The site benefits from existing screening to the front boundary to the property made up of hedgerow and trees which helps to screen views of the garden from public vantage points. The site has a significant change in levels from west to east, with the garden area immediately adjacent to Park Road at road level, with the rear garden area (where the buildings are proposed) elevated above the levels on Park Road.
7. The site is not subject to any sensitive designations other than those relating to its historic status as a Grade II listed building set within the Gisburn Conservation Area, as previously set out. A detailed Heritage Impact Assessment was submitted in support of the planning application and remains relevant in the determination of this appeal.
8. An application (LPA ref: 3/2021/0462) for a similar proposal was previously submitted to the LPA in April 2021 and was later refused on 24<sup>th</sup> June 2021. An appeal (Appeal ref: APP/T2350/D/21/3282794) was submitted and allowed on appeal so far as it related to the garden fence however, in regard to the garden shed and garden room/office, the Inspector dismissed the appeal. Briefly, it was determined that the design and detailing of the new home office and shed failed to preserve the setting, character and appearance of the heritage asset within which the buildings sit, the Grade II Listed 1 Park Road, as well as the wider Conservation Area of Gisburn.
9. Since the previous refusal, the design has been revised to address the Inspector's comments and soften the appearance of the garden building and shed. Despite the amendments to the scheme, the Case Officer and LPA refused the application for a comparable reason to the previous application, however they added within the reason for refusal the issue of fenestration and harmful impacts on the setting of Gisburne Park

historic park and gardens. It is considered that as the scheme has been softened, there is no clear or reasonable justification for the additional points to be included within the reason for refusal as this indicates that the scheme is worse than previously presented under application ref: 3/2021/0462, a matter which the appellant strongly refutes.

## PROPOSED DEVELOPMENT

10. The proposal is for the retention of the home office/garden room that has already been erected on site, albeit with changes made to the design of the outbuilding following the recent appeal decision. The changes were made in consideration of the comments made by the Inspector who considered the earlier scheme, and in order to improve the design and create a more acceptable development having consideration of the character and setting of the listed buildings and the wider Gisburn Conservation Area.
11. It should be noted that the buildings proposed are not uncharacteristic of Gisburn, nor the Ribble Valley itself, with examples of other small scale residential storage and utility buildings within a short walking distance of this site. Indeed, when the Council's Principal Planning Officer, Adrian Dowd, visited the site when the buildings were under construction in January 2020, the applicant was not advised to cease works in their entirety and to remove the buildings, but that he would need to seek retrospective planning permission to retain them. The applicant took this advice that the Officer had no strong objection to the buildings. Had the Council's Officer deemed that any outbuildings at this property would not be acceptable, a view we disagree with, we consider that the applicant should have been advised at this early stage and before further expense was made, and not encouraged to submit an application.
12. The dimensions of the garden office and shed will remain the same as per the previous refusal, however it is proposed to remove the black trim from the roofline and corners of the garden office and the shed and introduce a sedum roof, with Paragraph 8 of the appeal decision stating that "the roof detailing and corner detailing (are) cumbersome; drawing the eye and making the building appear unnecessarily dominant." The removal of such should be deemed as an improvement, simplifying the building design, reducing the more 'eye catching areas of the building' and therefore significantly reducing the overall visual impact.
13. The proposed changes can be seen within the submitted plans which show a much more sympathetic design and scale for the outbuildings, which has fully considered the appeal decision and the comments from the Inspector. Consequently, the revised proposals are deemed to have minimised any potential visual harm to, or the setting of, both the adjacent Grade II listed building and the Gisburn Conservation Area, either from within the garden itself, or from the fleeting views of the site from Park Road or Park Mews.
14. The revised plans also include extensive planting and landscaping in order to soften the visual impact of the development on the street scene. Alongside additional tree planting within the front portion of the road level garden, this also includes a traditional and native Hornbeam hedgerow within the front garden of the existing dwelling, which will grow to a height of 2m over a five-year period; thus, reducing potential views through to the rear garden area. It is also proposed to incorporate vines on the walls of the garden office, which will further break up the visual impact and create a more natural and pleasing visual experience.
15. In this case the presence of a building on the site has historical precedence, through the toilet block for the former public house, and its subsequent replacement by the Greenhouse which existed on site, as confirmed by the submitted Heritage Statement and other corroborating evidence. This is confirmed within the Statements of Truth which were provided in Appendix A of the Planning Statement, also

submitted in support of this appeal. As such, following the improvement in the design of the garden room and shed, the structures should be deemed acceptable and no longer cause 'less than substantial harm' to the historical setting.

## HERITAGE ASSESSMENTS

16. As part of the application, a detailed Heritage Impact Assessment was submitted by Mr. Ian Rowan who is a qualified Planning and Conservation Officer with a background of over 30 years in Planning, Regeneration and Conservation. The Heritage Impact Assessment provided a detailed assessment of the development proposals alongside the heritage significance of the site against local and national planning policy. The Assessment also incorporated photographs of the proposal as built and previous photographs showing the Greenhouse in situ prior to its removal from the site.
17. In assessing the site's significance as a heritage asset, the report concluded in paragraph 3.23 that the building is a Grade II listed building and possesses a range of heritage values, including notable aesthetic value, mainly contained within its front elevation, whereas the side and rear possess little in terms of aesthetic value. Conserving views from Park Road is therefore a key requirement for protecting its significance. Evidential, historic and communal values are relatively high with the building, whilst the setting also holds a range of values. The immediate setting of the building includes the garden, which contains some evidential and historic value in terms of its contribution to significance as a domestic garden. The conservation area is well conserved and is high in all 4 values.
18. The report goes on to assess the potential impacts of the proposals on the setting of the listed building and any impact upon the Gisburn Conservation Area. Paragraph 4.6 of the report states that the removal of the greenhouse has had a positive impact upon the setting, and the summer house is located upon the footprint of an earlier toilet block, replacing previous development. The provision of the garden room/home office and shed will allow for the continued enjoyment of the house as a dwelling, thereby avoiding the need for more radical intervention elsewhere across the site.
19. In terms of materials, the report states in paragraph 4.8 that the building has been designed to be contemporary so as to not compete for attention from the listed building, but has utilised a stone coloured render for the summerhouse to provide a softer edge to the development and harmonise with the house, whilst the shed utilises traditional timber as a shed would do, to appear as the domestic garden shed type developments that they are. During the life of the application, the LPA confirmed that their preference would be for a fully timber proposal, and as such the stone render proposal has been withdrawn. Revised plans were submitted reverting the scheme to a timber building as can be seen on site presently.
20. The report states in paragraph 4.9 that the proposal will not impart harm upon the significance of the building's setting; the key drivers of significance of the setting of the building being aesthetic. As discussed, to enjoy the heritage asset, the proposals site will not be seen within the view of the building from either direction. Whilst inside the garden, from certain vantage points, both will be seen, this can be easily read as a domestic garden building, within a domestic garden, maintaining evidential and historic value.
21. The report concludes at 5.1 that the proposed development will harmonise with the existing building and will not harm the heritage values and significance. The removal of an unsightly greenhouse and its replacement with something more appropriate which responds to the aesthetic setting of the building offers the opportunity to enhance the setting.
22. Alongside the full Heritage Impact Assessment, a Supporting Note was prepared by a Conservation and Development Control Principal Officer with over 14 years of experience within an East Lancashire Local Authority. The supporting note aimed to provide context on the previous appeal decision, the contribution

- to the setting of the significance of the listed building and how the previous reason for refusal had been overcome through changes to the scheme.
23. The Note detailed that the previous Inspector's decision concluded that the design and detailing of the garden room/office and the shed harms the setting of the listed building. However, it is considered that harm to setting is not the determining factor in accordance with Policy DME4, the NPPF and relevant statutory duty. The key factor is harm to the significance of the listed building not to the setting. Harm will only arise if the setting contributes to the significance of the listed building. In this case, we consider that it can be demonstrated that the extended garden makes no meaningful contribution to the significance (special interest) of the listed building.
24. The Note goes on to state that the Inspector considers the roof detailing and corner detailing to the shed and garden room to be cumbersome; drawing the eye and making the building appear unnecessarily dominant. Siting does not factor into the assessment and their professional view is that this is not a determining factor.
25. As such, it was considered that the Inspector's view was that the principal harm was caused by the eaves and corner details rather than the main body of the structures or their siting. Revisions to the eaves and corner details were made to soften the appearance of the garden room and shed such that it would soften the appearance and in turn appear less dominant in the street scene.
26. In respect of the proposal's contribution of setting to the significance of the listed building, the Note details that the garden land makes no meaningful contribution to the heritage significance of the listed building given that it has no former functional, ownership, historical, social or economic connections; and though there is intervisibility it does not provide key views. To conclude, it is not disputed that the development is within the setting of the listed building however it is to be acknowledged that not all aspects of setting will contribute to the significance of a heritage asset.
27. The reason for refusal relating to the previous application (LPA ref: 3/2021/0462) bares relation to the reason for refusal attached to the application subject of this appeal. The Note concludes that it is the heritage expert's view that the reason for refusal fails to properly apply Policy DME4 in that harm is found to setting but there is no reference to the impact of that harm on the significance of the heritage asset, which is no. 1 Park Road itself and not the associated gardens.
28. Whilst the views of the heritage consultants were that the proposal as submitted would not result in harm to the setting of the listed building, it was requested that improvements to the scheme were suggested by the consultant to ensure that the scheme had overcome concerns by the Inspector and presented a scheme that should be supported by Officers. The consultant proposed that the render should be removed as ancillary garden structures are typically timber, such to achieve a subservient appearance within the garden. Therefore, it was proposed to maintain timber cladding to all elevations and introduce a product to accelerate the weathering of the timber such that it would fade to a shade of silver/grey which would blend more comfortably within the garden setting. Images showing the proposed accelerated weathering are included below.



*Figure 2: Images showing difference in appearance following the accelerated weathering using SiOO:X Wood Protection*

29. Another suggestion by the heritage consultant was to incorporate a sedum roof to better assimilate the structures into their garden surroundings alongside enhancing biodiversity. The roof form was to be maintained as a mono-pitch in order to ensure the building is suitably low profile, taking into account the previous Inspector's comments. Finally, the additional planting was proposed to assist in screening the garden buildings. It is acknowledged that screening is not a substitute for good design, however in this case it would serve to soften the visual impact of the structures and within a garden setting is an entirely appropriate mitigation measure.
30. To conclude in terms of impacts, the Note stated that it is considered that the structures will have a very localised impact on the surroundings in which the building is experienced (i.e. setting), predominantly from the garden, and do not detract from the ability to appreciate the significance of the listed building. Neither do they detract from the ability to clearly appreciate the building's wider setting or historic context as a good example of late Georgian domestic architecture in a village location with medieval origins owing its growth largely to its position on a historically significant thoroughfare. They are clearly subservient to the listed building and their form very much reflects their function as a modern garden structure.
31. With the recommended design revisions in place, it can be demonstrated that the impact on the setting of the listed building that results, will be so minimal and localised as to be at the negligible. Moreover, the structures would be entirely reversible without any legacy of harm. Given the garden setting makes no meaningful contribution to the significance of No 1 Park Road, the negligible degree of harm identified to the setting of No 1 Park Road in terms of the appearance of the structure when experienced from within the garden, does not translate as harm to the significance of the listed building. It is considered that no harm to the significance of the listed building would result.
32. Alongside the impacts on the setting of the listed building, the development proposals were also considered in respect of their impact on the character and appearance of the Conservation Area. The note concluded that Overall, with the recommended design revisions in place the development would make no positive contribution nor enhancement to the conservation area but nonetheless would not harm its character or appearance when considered as a whole. Accordingly, the development would have a neutral effect and would therefore preserve the character and appearance of the Conservation Area therefore satisfying the requirements of DME4 the NPPF and the relevant statutory duty.

#### PLANNING ASSESSMENT

33. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that: *"Where in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise".*

34. The Development Plan for the appeal site comprises the Ribble Valley Borough Council Core Strategy 2008-2028 (adopted 2014). Key policy documents that comprise 'material considerations' include the National Planning Policy Framework (2021), National Planning Policy Guidance (NPPG) and relevant supplementary planning documents and guidance including the Gisburn Conservation Area Appraisal.

35. The following policies from the Core Strategy are considered relevant to the application:

- Key Statement EN5: Heritage Assets
- Key Statement DMG1: General Considerations
- Key Statement DMG2: Strategic Considerations
- Key Statement DME4: Protecting Heritage Assets

36. The NPPF is a material consideration in the determination of planning decisions as per Paragraph 2 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004. The following paragraphs are considered to be of most relevance to the proposals:

- Achieving sustainable development – Paragraph 11
- Building a strong, competitive economy – Paragraph 81
- Achieving well-designed places – Paragraph 132
- Conserving and enhancing the historic environment – Paragraph 193
- Conserving and enhancing the historic environment – Paragraph 194

37. It is considered that the proposed development wholly accords with the provisions of the development plan, and the full case is set out within the detailed Planning Statement which has been submitted in support of the appeal.

38. It is considered that the principle of erecting a garden room and shed in the grounds of a listed building is acceptable, as per the previous appeal decision in which the Inspector confirms that '*contemporary buildings can sit comfortably against historic buildings provided their design, including their detailing and finishing materials, if well executed*'. Whilst the Inspector previously raised issue with some aspects of the design of the proposed garden buildings, this application sought to amend the proposal to reflect the comments and provide an acceptable design addressing the appeal decision. It is considered that the Case Officer and LPA have not paid sufficient regard to the nuances of the earlier Inspector's decision and the general acceptability of the garden buildings, subject to their design.

39. The LPA have included siting as an issue within their reason for refusal. As detailed in the Planning Statement, the building proposed within the rear garden is not the first structure to be located on this portion of the site. This area, seen within the title deeds of the site (included at Appendix B of the Planning Statement), is actually within a separate land ownership from the main dwelling, existing on its own, with a toilet block (used in connection with the adjacent property and its former use as a public house) on this site up until the last 30 years, hence the separate title deed.

40. The block was purchased by a former owner of the site and following the pub closing, the toilet block was demolished, and a greenhouse was erected, and occupied this portion of the site, as confirmed by the submitted Statement of Truth (included at Appendix A of the Planning Statement) and the supporting Heritage Statement; thus, illustrating how the dwelling has historically had built form on this portion of the site and that the siting of the garden buildings in this location should be considered acceptable.

41. It is considered that the scheme represents a development that is wholly in accordance with the aims and objectives of the Local Plan and supports the provisions of the NPPF. Our full assessment of planning policy

is included at Section 7 of the Planning Statement submitted with this appeal and should be referenced in any decision.

## CONCLUSIONS

42. The design of the proposal alongside the heritage impacts have been addressed in this submission and the detailed supporting information originally submitted with the planning application including the Planning Statement, Heritage Impact Assessment and additional heritage note. Officers have failed to take into account the amendments that have been made to the scheme and how they have sought to overcome concerns outlined by the Inspector who considered the earlier appeal relating to a similar development on this site.
43. The proposed removal of the black roof trim and corner detailing, incorporation of a sedum roof and proposal to accelerate weathering of the timber finish will allow the buildings to appear subservient to the listed building, whilst allowing the occupant to have additional space with more contemporary fixtures and finishes to allow him to work from home in an energy efficient environment without the need to make amendments to the main dwelling.
44. The siting of the buildings is considered entirely appropriate due to the previous toilet block that once stood in this position and the later addition of a greenhouse which also shared a similar location. The position of these buildings has been evidenced through the application submission and it is considered that Officers have not taken into account the siting of the previous toilet block as a material consideration in the siting of the garden room.
45. To conclude, this appeal sets out that the proposed development is wholly in accordance with the relevant development plan policies and other planning guidance. For the reasons identified in this letter, the supporting Planning Statement and the other supporting documents, we consider the proposed development to be acceptable, in accordance with the Development Plan and the NPPF.

## REQUEST FOR A HEARING

46. We would request that the appeal is dealt with by way of a hearing to allow the matters of the impact on the listed building to be addressed with supporting heritage experts in attendance to justify the position. In addition, due to the level of public interest in the scheme and the local support (75 letters of support from neighbours) and the support of Gisburn Parish Council, it is considered this application is best dealt with by way of a hearing.

Yours faithfully

Paige Linley  
 Planner  
 PWA Planning

## **Appeal under Section 78 of the Town and Country Planning Act (1990)**

Appeal by Mr Paul Hargreaves against the refusal by Ribble Valley Borough Council to grant planning permission for:

Retention of garden room/home office and garden shed. Resubmission of 3/2021/0462.

At:

**1 Park Road, Gisburn, BB7 4HT**

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### **DRAFT STATEMENT OF COMMON GROUND**

December 2022

## REPORT CONTROL

Document	Draft Statement of Common Ground
Project	1 Park Road, Gisburn
Client	Mr Paul Hargreaves
Job Number	22-1329
File storage	C:\PWA Planning\PWA - PLAN\Client Files\22-1251 to 22-\22-1329 1 Park Road, Gisburn\6. Planning Appeal\Planning Appeal Docs\SoCG

### Document Checking

Primary Author:	Paige Linley	Initialled:	PL
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Issue	Date	Status	Checked for issue
1	22/12/2022	DRAFT	GT
2			
3			
4			

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## /1 INTRODUCTION

- 1.1. Mr Paul Hargreaves ('the Appellant') has appealed against the refusal of planning application ref. 3/2022/0440 by Ribble Valley Borough Council ('the LPA') for the retention of a garden room/home office and garden shed ('the development') at 1 Park Road, Gisburn, BB7 4HT ('the site'). The application is a resubmission of the previously refused application 3/2021/0462.
- 1.2. The description of the proposed development, which differs slightly to that included on the submitted planning application documents, is agreed to be as follows, as per the Council's decision notice (provided as Appendix 1):

*Retention of garden room/home office and garden shed. Resubmission of 3/2021/0462.*

- 1.3. This Statement of Common Ground (SoCG) has been prepared by PWA Planning on behalf of the Appellant and is to be agreed with Ribble Valley Borough Council. It has been prepared in accordance with the Town and Country Planning (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (as amended) and the Procedural Guide "Planning Appeals – England" (December 2022), in particular Annex R.

## **/2 AGREED MATTERS**

- 2.1. The application was received by Ribble Valley Borough Council on 3<sup>rd</sup> May 2022 and was later made a valid application on 8<sup>th</sup> June 2022 following submission of updated plans. The application was refused by the Council's Officer under delegated powers on 4<sup>th</sup> October 2022.
- 2.2. Save for those areas explicitly referred to within Section 3 of this statement, 'Matters of Dispute', it is agreed that the following sections of the Officer's Report (provided as Appendix 2) are common ground. All other matters not expressly referred to in the list below or in Section 3 of this SoCG are not matters which would influence the decision, subject to appropriate conditions, as provided in Section 4.
- DEVELOPMENT DESCRIPTION AND SITE ADDRESS
  - CONSULTATIONS
  - RELEVANT POLICIES
  - RELEVANT PLANNING HISTORY
  - SITE DESCRIPTION AND SURROUNDING AREA
  - RESIDENTIAL AMENITY
  - HIGHWAYS

### **/3 MATTERS OF DISPUTE**

- 3.1. The following matters are not agreed and are therefore in dispute. These are generally related to the content of the Officer's Report (OR) (sections of OR as specified):
- PROPOSED DEVELOPMENT FOR WHICH CONSENT IS SOUGHT –
    - The addition of a stone-coloured render to be applied to the north and east elevations – this was removed as part of a later revision of the plans (rev B) prior to determination.
    - The addition of a felt roof – this was changed to represent a sedum roof as part of the later revision of the plans (rev B) prior to determination.
    - The misrepresentation of site discussions with the Applicant and RVBC's Planning Officer of 27<sup>th</sup> February 2020.
  - IMPACT UPON THE SETTING OF LISTED BUILDINGS, THE CHARACTER AND APPEARANCE OF GISBURN CONSERVATION AREA AND THE SETTING OF GISBURNE PARK HISTORIC PARK AND GARDEN –
    - The Planning Inspector's considerations in respect to the setting of other listed buildings, Park Mews (including conservation area Buildings of Townscape Merit/Focal Building) and the setting of the historic park and garden are not stated.
    - The current proposals do not propose alteration to roof detail in respect to its prominent corrugated roof cover.
    - The outbuildings will result in harm to the setting of 1 Park Road and the setting of nearby listed buildings including Gisburne Park and the character and appearance of Gisburn Conservation Area.
    - The site represents a clear break which as a deliberate and effective design feature.
    - There are no public benefits which outweigh the harm to the setting of listed buildings, the character and appearance of Gisburn Conservation Area and the setting of the historic park and garden.

- RECOMMENDATION

- The development has a harmful impact upon the setting of listed buildings, the character and appearance of Gisburn Conservation Area and the setting of Gisburne Park historic park and garden because it is unduly prominent, incongruous and conspicuous as a result of siting, roof form, fenestration and materials. This is contrary to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy.

## **/4 CONDITIONS**

4.1. The following conditions are agreed:

1. XXX
2. XXX
3. XXX
4. XXX

4.2. The following conditions are in dispute:

5. XXX
6. XXX
7. XXX
8. XXX

## **Appendix 1 – Decision Notice**

## Appendix 2 – Officer's Report



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23<sup>rd</sup> December 2022

Dear Sir/Madam,

**APPLICATION FOR AN AWARD OF APPEAL COSTS**

**CLAIMANT: Mr Paul Hargreaves (the Appellant)**

**PARTY BEING CLAIMED AGAINST: Ribble Valley Borough Council (the LPA)**

**DESCRIPTION OF DEVELOPMENT:** Retention of garden room/home office and garden shed. Resubmission of 3/2021/0462.

**SITE: 1 Park Road Gisburn BB7 4HT**

**LPA PLANNING REFERENCE: 3/2022/0440**

An appeal in relation to the refusal of the above planning application has been lodged. Please accept this letter as the Appellant's application for an award of costs against the LPA. It is the view of the Appellant that the LPA has behaved unreasonably, and in doing so has and will cause the Appellant unnecessary and wasted expense in the appeal, as explained below:

**Lack of meaningful communication from LPA**

Throughout the course of the planning application, PWA Planning, acting as agent for the Appellant, has sought to engage with the LPA with a view to coming to a positive determination for the Appellant. This is following earlier attempts by the Appellant to engage with the LPA through a formal pre-application process following earlier decisions made by the LPA in respect to this development. The Appellant was most frustrated by the discussions had in which no clear guidance was provided in an aim to help move forward with a positive scheme.

The National Planning Policy Framework 2021 (NPPF) on Decision Making at paragraph 39 states that '*Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.*'

It is the Appellant's view that had the LPA,

- carried out their Pre-Application Enquiry process properly, and
- actually sought to engage meaningfully on-site, and
- attempted to work positively with them during the pre-application discussions, and
- attempted to achieve a solution through up front discussions,

the issues that arose during the life of the application could have been dealt with and the scheme would not have been refused, resulting in the need to appeal.

In addition to the lack of engagement during pre-application discussions, we raised further concerns with the Director of Economic Development and Planning following a site visit that was arranged during the life of the application to discuss how the proposals had been revised to overcome concerns by the Inspector in the previous appeal decision. At the meeting, which had been arranged following the application's consultation expiry date, it was apparent that the Officer had not read either the Planning Statement or the Heritage Impact Assessment, nor did he have a detailed understanding of the Inspector's Report on the previous appeal. The Officer relied solely on his involvement with the previous application and as such, had already in our view pre-determined the application, without allowing the Appellant or Agent the opportunity to explain the case. Without having the up-to-date knowledge of the proposals, the meeting was rendered useless and did not allow the Appellant to obtain any of the LPA's views on the scheme or engage in any meaningful discussion.

The above behaviour has resulted in the Appellant having to defend a refusal at appeal which we consider could have been dealt with during the course of the application, and thus the expense associated with the appeal is at the fault of the LPA.

#### **Inconsistent decision making within the Borough**

The Appellant is of the opinion that the LPA have made inconsistent decisions within the Borough, of which there are several examples of schemes that have been approved within the vicinity of the site that are considered to have more of an impact on the relevant heritage assets than the development subject of this appeal/cost claim.

One particularly relevant example can be seen at Dower House (LPA ref: 3/2018/0255), a property that sits further down Park Road closer to the entrance gates to Gisburne Park and Historic Park and Garden. The application proposals were considered by the same Case Officer to be acceptable despite being considered to have a minor impact on the setting of the Grade II\* Listed Buildings.

The Dower House extension (double storey brick/render) shares several key features with the garden room/home office (see below) but clearly has a more "Harmful impact on the setting of the listed buildings, the character and appearance of the Gisburn Conservation Area and the setting of Gisburne Park historic park and garden". In our view, the extension dominates several listed buildings, gardens, parks, tunnels and significant open spaces (see map), something that the garden room/home office does not. The Case Officer even accepted, by negotiation, that the Dower House development could be "made higher" and thought it acceptable to be visible from Park Road. Within the Dower House decision report for 3/2018/0255 (attached) the Case Officer states: "Negotiation has resulted in proposals very similar in general form to those in 3/2016/0121 & 0108 – the roof ridge is now higher and partly visible from Park Road." We are therefore confused as to why one form of development can be considered acceptable by being visible from Park Road but another cannot.

#### **Comparisons between the two decisions**

When comparing the reason for refusal for this development to the reason for acceptance of the scheme at the Dower House,

**REFUSED: Summerhouse Decision Notice (3/2022/0440)** The Case Officer wrote:

The development has a harmful impact upon the setting of listed buildings, the character and appearance of Gisburn Conservation Area and the setting of Gisburne Park historic park and garden because it is unduly prominent, incongruous and conspicuous as a result of siting, roof form, fenestration and materials. This is contrary to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy.

**ACCEPTED: Dower House Decision Notice (3/2018/0255)** The Case Officer wrote:

Therefore, in giving considerable importance and weight to the duties at section 16, 66 and 72 of the Planning (*Listed Buildings and Conservation Areas*) Act 1990 and in consideration to NPPF (2018) and Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy I would recommend that planning permission be granted.

#### Garden Room/Home Office vs Dower House - Key Features

Siting	<b>Both</b> buildings are on footprints of former historic buildings located on Park Road
Unduly prominent	<b>Both</b> are on Elevated Ground ( <i>above Park Road</i> )
Fenestration	<b>Both</b> have Contemporary style Windows
Roof form	<b>Both</b> have a single mono pitched roof with the lean being south

#### Lines of Sight - No 1 Park Road, Garden Room/Home Office (Dismissed)

**Not at the Front of a listed building but at the rear (see appeal inspectors report)**  
**Not close to two (*Grade 2\* listed*) Gatehouses and no visual line of sight to them**  
**Not connected to Ribblesdale Park (*Grade 1 Listed*) Garden/grounds and no visual line of sight to the area**  
**Not visible from Ribblesdale Park (*Grade 1 listed*) Manor House and no visual line of sight to it**  
**Not physically attached to a grade 2 listed property and no visual line of sight to one**  
**Not close to (*Grade 2 listed*) Rail Tunnel entrances of special architectural interest and no visual line of sight**

#### No 4 Park Road, Dower House Two storey brick extension (Approved)

**At the Front of the Grade 2 Listed building (*Dower House*)**  
**Dominating two (*Grade 2\* listed*) Gatehouses and a clear line of sight to them**  
**Physically connected to Ribblesdale Park (*Grade 1 Listed*) Garden/grounds and a clear line of sight to it**  
**Visible from Ribblesdale Park (*Grade 1 listed*) Manor House (*according to AD*) and in a clear line of sight**  
**Physically attached to a Grade 2 listed property (*Dower House*) and clearly visible in its setting**  
**Close proximity to both (*Grade 2 listed*) Rail Tunnel entrances of special architectural interest and a clear line of sight to it**

You can see from the photographs provided and *Map* (see key below) that the two-storey building recently granted Planning Permission by the Case Officer is located in an area that dominates the Conservation Area in which it sits, at the heart of all the listed buildings in the local vicinity (see list below) however the Garden Room/Home Office subject to this scheme is not located anywhere near as close to that location but was refused planning permission using the same legislation (see above) by the same officer.

Map Key No 1	Graden Room/Home Office No 1 Park Road	List UID: 1317720
Map Key No 2	Grade 2 Listed Dower House	List UID: 1362321
Map Key No 3	Significant open spaces	Conservation Area Map (Gisburn)
Map Key No 4	Grade 2* Listed East Gate House	List UID: 1362297
Map Key No 5	Grade 2* Listed West Gate House	List UID: 1362297

Map Key No 6	Grade 2	Listed East Tunnel Entrance	List UID: 1072103
Map Key No 7	Grade 2	Listed West Tunnel Entrance	List UID: 1072103
Map Key No 8	<b>Grade 1</b>	Listed Gisburne Park Country House	List UID: 1317877
Map Key No 9	Grade 2	Listed Park and Gardens	List UID: 1400674

What is more surprising, but also frustrating, is that these inconsistencies were pointed out to the Case Officer during the site visit in August, (*when he confessed to having not read the Planning Statement, Heritage Assessment or re-read the Appeal Inspectors Report prior to the meeting and 24 hours before the deadline*).

Whilst it is acknowledged that any two planning applications may have many different complexities and considerations that remain unique to themselves, we find it difficult to appreciate the application of planning policy to two similar developments could be so polarised, especially when interpreted by the same Case Officer in a relatively similar time frame; a matter highlighted to him in person on site.

It is our view that there is clearly more harm associated with the approval at Dower House than the scheme subject of this appeal which has set out how it has overcome previous concerns through revisions to the proposal. In addition, the application was supported by two expert opinions confirming that the development would have no negative impacts on either the setting of the Listed Building or the character and appearance of the Conservation Area and as such, it is an inconsistent approach to allow other development that would have a greater harm on heritage assets without any reasonable explanation for such an approach.

#### Additions to the Decision Notice since previous refusal (ref: 03/2021/0462)

Since the earlier refusal of the previous scheme and following the appeal against that decision being dismissed, changes have been made to the scheme to incorporate the Inspector's comments. Regardless of the Case Officer's decision to refuse the application, the scheme would clearly result in a less impactful development to that previously refused (ref: 03/2021/0462), although it remains our view that there would be no impact. However, instead of taking this matter into account in the Officer's Report and Decision Notice, and producing a less onerous reason for refusal, the Council have expanded upon their previous reason for refusal in an attempt to bolster their argument.

The reason for refusal now includes reference to harmful impacts on the setting of Gisburne Park historic park and garden and also references fenestration as being one of the key issues with the scheme. As there has been no change to the fenestration of the buildings, nor their siting or orientation that could increase impacts upon the Gisburne Park historic park and garden, it is considered unreasonable that these references were made within the reason for refusal on the resubmission.

There is no reason that either of these 'issues' would have become more prominent since the previous refusal and as such, it can only be seen as an attempt from the LPA to bolster their argument, which would not be a reasonable approach to the determination of the application.

It is the Appellant's view that the LPA displayed unreasonable behaviour as outlined above and that this has, and will, lead to additional and unnecessary costs for the Appellant. On this basis, a claim for an award of costs is made by the Appellant against the LPA.

Yours faithfully

**Paige Linley | Planner**  
PWA Planning

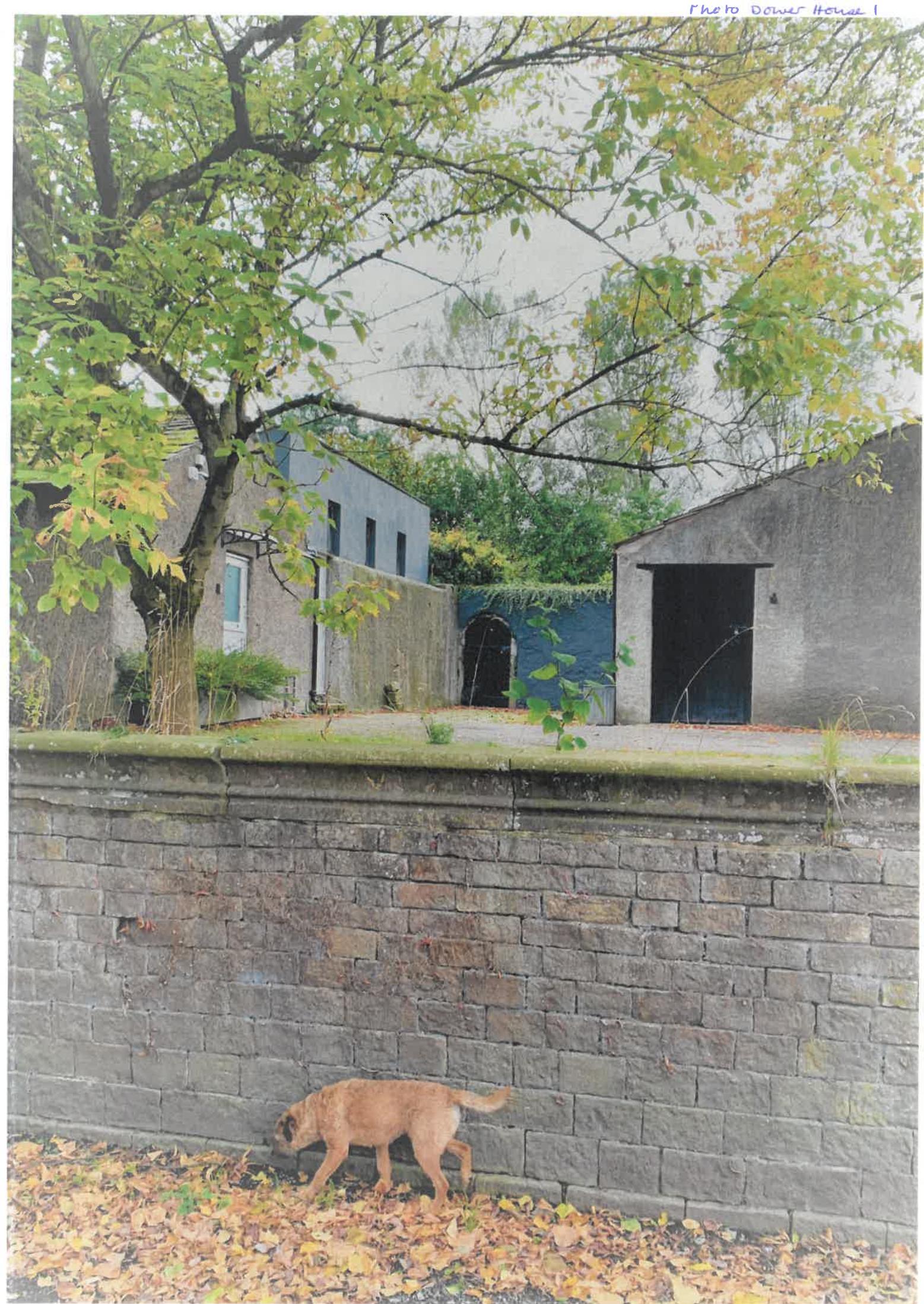




Photo: Dower House













Photo Dower House 5 Pre-extension





