

Statement of Case in Support of Appeal
at
Moorcock Inn, Slaidburn Road, Waddington

Prepared of behalf of Messers S and A Thornber
Planning Application Reference 3/2014/0592

Introduction

Smiths Gore has been instructed by Messers S and A Thornber ("the appellants"), to prepare and submit an appeal to the Planning Inspectorate in respect of a refusal of planning permission by Ribbles Valley Borough Council for the proposed demolition of the Moorcock Inn and the erection of seven dwellinghouses including associated drives, gardens and external landscaping work at the Moorcock Inn, Slaidburn Road, Waddington (Application Reference 3/2014/0592).

Appeal Site

The appeal site comprises of the former Moorcock Inn and associated buildings and grounds, located on the northwest side of Slaidburn Road, two miles north of Waddington (a five minute drive) and 3.8 miles from the centre of Clitheroe (a ten minute drive).

The site extends to 0.7ha and comprises an extensive array of two storey buildings that have been subject to adhoc alterations and additions for many years. In the mid-1970s the main building was severely fire damaged and substantially rebuilt. The buildings are largely white rendered with applied fake Tudor style boarding and are not of any architectural merit; housing a variety of uses, including a public house (5 rooms), hotel (11 bedrooms), restaurant (2 rooms), function suite, self-contained manager's accommodation and storage / service areas. Externally, there is a beer keg storage area and an extensive surfaced car park to the west of the buildings. The Moorcock Inn and its related uses closed in mid-2010 and the site remains vacant; now subject to trespass and vandalism.

The appeal site is located in a predominantly rural setting and is previously developed, well defined by hedges, fences and wall boundaries. There are two dwellings in close proximity (Moorcock House to the west and Jolly Croft to the south west), with some additional structures between the Moorcock Inn and Jolly Croft. Despite its setting, there is a clear case to demonstrate that the site is brownfield and in a sustainable location close to neighbouring service settlements.

Planning History

There is an extensive history of planning applications and permissions for extensions and alterations to the Moorcock Inn site during its operation. Since its closure in 2010, the following planning applications are of relevance:

- 3/2012/0356 – Proposed conversion and redevelopment of a redundant Public House and Hotel with conference facilities, into three private residential properties. Planning permission **granted** August 2012;
- 3/2012/0819 – Proposed demolition of The Moorcock Inn and the erection of three detached dwellings, three detached garages with annex accommodation over and the creation of garden and landscaped areas. **Refused** planning permission November 2012;
- 3/2013/0394 - The demolition of The Moorcock Inn and the erection of three detached dwellings with three detached double garages with annex accommodation over and the creation of garden and landscaped areas. Re-submission of 3/2012/0819. Application **withdrawn** February 2014.

Decision Notice

The application in which this appeal relates (reference 3/2014/0592) was refused planning permission on 17 October 2014 at Committee. Appendix A contains the Decision Notice and reasons for refusal.

The two reasons for refusal were listed as:

1. The proposed development is contrary to Key Statement DS1 and Policy DMG2 and DMH3 of the Ribble Valley Core Strategy submission version as proposed to be modified as it would involve the construction of 7 dwellings in an isolated open countryside location that do not meet an identified local need. As such, the proposal would cause harm to the Development Strategy for the Borough as set out in the emerging Core Strategy leading to unsustainable development.
2. Permission for the proposed development would create a harmful precedent for the acceptance of other similar proposals without sufficient justification which would have an adverse impact on the implementation of the emerging planning policies of the Council contrary to the interests of the proper planning of the area in accordance with the core principles and policies of the NPPF.

Grounds for Appeal

Our grounds of appeal deal directly with the LPA's two reasons for refusal:

Ground 1 – the proposal would not cause harm to the Development Strategy for the Borough as set out in the emerging Core Strategy. The scheme proposes sustainable development and is in accordance with Key Statement DS1, Policy DMG2 and Policy DMH3.

Whilst the policies contained within the Core Strategy will carry some degree of weight, the Development Strategy for the Borough as set out in the emerging Core Strategy is still yet to be formally adopted.

In preparing these Grounds for Appeal, however, we do note that the Inspector has now concluded his examination having held hearing sessions and having considered representations including those to a series of further consultations on modifications to the submitted plan. He has now provided the Council with his report setting out his findings and recommendations stating that he finds the Core Strategy legally compliant and sound subject to a number of main modifications being made.

Notably, the Inspectors Report (November 2014), highlights that the Core Strategy needs to clearly encourage the effective use of land through the re-use of brownfield sites. Policy DMG1 clearly seeks to encourage the effective use of land by re-using brownfield sites.

In respect of the three policies referred to in the first reason for refusal we have the following comments to make. Key Statement DS1 'Development Strategy' states that the majority of new housing development is to be concentrated at the Standen strategic site and the principal settlements of Clitheroe, Longridge and Whalley. Whilst this is acknowledged, it does not require all development to occur in these areas. This is a small scale residential scheme located on a brownfield site in close proximity to local villages and the principal settlement of Clitheroe. As such, we do not consider the scheme to be contrary to Key Statement DS1. It also closely reflects the requirements of the NPPF to encourage the effective use of land by reusing land that has been previously developed (paragraph 111). It also supports (at paragraph 55) the promotion of sustainable rural development where there are groups of smaller settlements and development will support services nearby.

Policy DMG2 'Strategic Considerations' expects development to accord with the Core Strategy development strategy. Policy DMG2 requires development outside settlements to be restricted and small in scale and development in the countryside is expected to be in keeping with the character of the landscape. Again, we do not dispute this policy. The scheme proposed is restricted due to the existing brownfield site curtilage and is small in scale. Furthermore, the development is considered to be in keeping with the character

and landscape of the area and this is confirmed in the pre-application advice received from the Principal AONB Officer. Please see below for further information on this matter.

Policy DMH3 'Dwellings in the Open Countryside and AONB' sets out that within AONB residential development will be limited to specific categories of development. The scheme proposes the redevelopment of a previously developed site which, in its existing use, is not considered to add value to the surrounding landscape; the sensitively designed scheme will serve to enhance the site and its wider setting. Please see our comments under 'Ground 2' for further detail on this matter.

The policies in the existing Local Plan and emerging Core Strategy adopt a restrictive approach to development, in general, and housing, in particular. In essence, new housing is limited to that which would meet specific local needs. It is no part of the applicant's case that the proposal would satisfy other than a general need for housing in the Borough. As such, a conflict with the above policies is acknowledged in this respect. However, initial pre-application discussions with the Planning Case Officer and Design Officer made it clear that the proposed scheme would not include any specific housing for affordable use, or with local occupancy conditions and this was never raised as an issue during the pre-application process. The Officers' understood the reasoning behind this because it would have made the development financially unviable due to the building being in a poor and dilapidated state which could be expected due to its age, lack of past maintenance/use and vandalism. Please refer to the Building (Structural) Condition Survey (December 2014) submitted as additional information to the original documents submitted to accompany Application 3/2014/0592.

That said, it should also be noted that the previously approved scheme for three dwellings (application reference 3/2012/0356/P – as stated above) did not seek to meet any specific local housing need either, but was considered acceptable and approved by the Local Planning Authority.

Furthermore, permission was then sought for the demolition of the existing buildings and the erection of dwellings on a larger part of the site (application reference 3/2012/0819/P). The Council considered that, purely in relation to sustainability, the scheme would satisfy the policy requirements. It was, however, only due to the virtue of the size and height of the dwellings and the extent of their curtilages that permission was refused.

This current proposal addresses scale (size and height) arranged around a courtyard to overcome previous concerns and reasons for refusal. The design intention is to create a development using traditional aged local materials as far as possible to ensure that the buildings appear to belong to the site and have been built in a piecemeal fashion over the years, rather than a something which looks brand new and out of keeping with the wider site.

As above, planning permission (3/2012/0356) was granted for the conversion of the Moorcock Inn to form three dwellings. The officer's report, recommending approval for that proposal, clearly states that "purely in relation to the consideration of sustainability, the application is considered to satisfy the overriding requirement of NPPF". It is, thus, clear that the Council accepts that some residential development at the site is considered sustainable and acceptable.

As such, it is considered that, in line with the Council's views on the above applications, the site is considered to be in a sustainable location and of a suitable design.

Policy DMG1, through modification MM22, supports regeneration benefits. As stated above, the site is a brownfield, previously developed site. The redevelopment of this site

would assist in regenerating the local area enhancing the overall visual impacts of the site and ensuring it is used for a much needed purpose; housing.

The NPPF (paragraph 55) proposes that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The redevelopment of this site for residential use can only be considered to enhance the area, particularly when the appellant has received support from the Principal AONB Officer and other statutory consultees. As such, it is considered that the principle of development has been established as acceptable.

It is clear from the supporting text to the Plans and policies that the key purposes are to protect the countryside from inappropriate or visually harmful development and to deliver sustainable patterns of development. The supporting text also refers to the countryside being subject to change but, if properly managed, this can be accommodated without harming the basic character of the area.

However, the Council argue that the site is unsustainable. Whilst we do not accept this argument, the Council has provided conflicting advice between approving the previous application to refusing this current one.

In conclusion, with regard to the first reason for refusal, it is considered that due to its previously developed status, the planning history and the benefits the redevelopment will have on the AONB, the scheme is acceptable and the proposal would not cause harm to the Development Strategy for the Borough as set out in the emerging Core Strategy. As such, the appeal should be allowed.

Ground 2 - the proposed development would not create a harmful precedent for the acceptance of other similar proposals

The site is a previously developed site and, whilst it may be located within open countryside and an Area of Outstanding Natural Beauty (AONB), it is brownfield land where its redevelopment would significantly improve the overall site. It is important to note that AONB policy does not seek to prevent development in principle. Rather, the policy provision seeks to manage development to ensure that it is in character with the landscape.

As set out on page 6 (and paragraph 111) of the National Planning Policy Framework, one of the Core Planning Principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Although located within an AONB, the site is not considered to be of high environmental value. It is considered that the proposed development would be far more in keeping with, and would have a lesser visual impact upon, the character and appearance of the AONB than the existing development.

The site is well screened and landscaped in accordance with a scheme that has been formulated with the involvement of the Council's Countryside Officers. Furthermore, the Principal AONB officer was satisfied that the proposal would not have an adverse impact of the landscape character of the AONB and this was established during pre-application discussions and is set out in both the Planning Statement and the Council's Committee Report (Appendix B). The officer comments that the proposal comprised of development that reflects the local building scale and stone vernacular.

The demolition of the existing building would have significant beneficial effects for the local landscape character. The Committee Report actually goes on to acknowledge that the Principal AONB Officer states "[the] removal of the Moorcock Inn and its car park, together with the reinstatement of previously lost landscape fabric are clear positive outcomes of the proposed scheme". In short, the landscape and visual effects of the

proposed scheme would be acceptable in landscape terms and that the purposes of AONB designation would not be compromised.

The overall conclusion is that the proposed development would be of a positive benefit to the visual appearance of the AONB. This is a matter of very significant weight to be assessed in the overall planning balance, especially given that the designation is of national importance.

This is an unused Inn and associated car park, not a farm steading. The development has none of the attributes or features that that would normally be associated with traditional farmstead developments (or, indeed, any other developments) in the AONB. The uniqueness of the vacant buildings and former uses means that approving the scheme would certainly not be setting a precedent for development in the countryside. In addition, we consider that the proposal is supported by national and local policy and that the benefits offered in terms of landscape enhancement outweigh any conflict in policy.

It is considered that the scheme does comply with the three dimensions to sustainable development set out in the NPPF: economic, social and environmental.

With regard to social, the scheme will be providing housing required to meet the need of present and future generations and by creating a high quality built environment. On page 9 of the Council's Committee report, the Officer states and accepts that the scheme is of high quality.

The appellant is keen to promote and integrate use of sustainable local materials which are to be reclaimed as far as practicable. New stone will be sourced from local Waddington Fell and Kemple End sandstone quarries and reclaimed slate and flags are available. There is also acceptance that the landscaping is appropriate and to a high standard. As such, the scheme complies with the environmental role of sustainability set out in the NPPF.

Finally, the proposal would contribute to economic growth and employment in the area during the construction / development phase, through the additional work for local building companies. Likewise, in the longer term, through the introduction of new households to the area and their future spend, which will help to support local trades and businesses. As such, the proposal is considered to comply with the three roles of sustainable development.

Furthermore, a recent appeal was allowed by the Planning Inspectorate (Reference APP/T2350/A/12/2188166) for the erection of two residential dwellings following demolition of the existing abattoir at the Abattoir, Clerk Hill Road, Whalley, Lancashire, BB7 9DR. Please see Appendix C for the Decision Notice. This proposal was similar to that of appeal site in that it involved small scale residential development on a rural, yet, previously developed brownfield site in the AONB.

The Inspectors report stated that the proposed development would involve the re-use of previously developed land, would improve the character and appearance of the area, would ensure that the site does not, in the long-term, become redundant and an eyesore in the AONB, and would contribute to meeting the housing requirements of the Borough. The development, on balance and compared to the retention of the existing use and buildings, would be a sustainable use of the land. Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development." As such, it is considered that a precedent has been set following the outcome of appeal reference APP/T2350/A/12/2188166.

In conclusion, the proposed development would not create a harmful precedent for the acceptance of other similar proposals and as such the appeal should be allowed.

Additional Grounds for Appeal

With regard to other consultee comments, as set out in the Committee Report, there were no objections to the scheme by the statutory consultees.

The Parish Council had no objections to the application and also wrote to the Council highlighting their disappointment with the refusal of application 3/2014/0592. (Letter was submitted as part of this appeal case – Appendix D).

The Environment Directorate (County Surveyor) also had no objections on highways grounds and stated that the proposed parking for each dwelling is in accordance with parking standards and commented that the proposal would reduce traffic flows to that of the existing use of the property.

Additionally, the County Archaeologist has no objections to the scheme nor is there a requirement for any archaeological recordings of the building to be undertaken.

In addition, a recent application by Taylor Wimpey for 220 homes at Longridge (Application 3/2014/0517) was determined at Committee on 16th October 2014 (the same date this appeal site was determined) and whilst refused by the Members, the Case Officer recommended approval stating that, whilst the Council considered that they can demonstrate 5.1 years supply of housing land, completion rates remain below the identified 280 dwellings per annum target in the emerging Core Strategy.

Persistent underperformance in respect of completion rates would exacerbate the current undersupply of new residential units in the Borough. As such, the Council state that in Longridge (with a minimum target of 1160 dwellings over the plan period), the 220 unit scheme would contribute to the assessed need as set out in the Core Strategy, and therefore, in the Council's own view, the principle of housing development, for this large scale site, is in accordance with the NPPF and emerging Core Strategy and therefore suitable for development. Please see Appendix E (pages 11 – 39) for the Committee Report associated with this large scale application.

As there is acknowledgement that there is concern over delivery, the Council should look to support the redevelopment of a previously development site for small scale windfall development to assist with the identified objectively assessed housing need.

Finally, due to the building being vacant since 2010 the property has been subject to substantial trespassing and vandalism. Due to the structural defects and adverse impacts from vandalism it has been deemed that the building as it stands is unsafe. It is therefore considered a liability to the appellants and a new, viable use for the site is essential.

Conclusion

It is acknowledged that there is a tension with the settlement strategy for the Borough, which seeks to focus new development in established centres. However, the proposal is for the development of a previously developed, brownfield site which contains a bulky and visually incongruous building and an intensive historic use. It is demonstrated that the proposed development would be far more in keeping with, and would have a lesser visual impact upon, the character and appearance of the AONB than the existing development. As such, it is submitted that there are considerable benefits associated with the proposed redevelopment of the site with seven dwellings.

Housing developments should be considered in the context of the presumption in favour of sustainable development. The proposed development would:

- involve the development of a previously developed site;
- considerably improve the character and appearance of the AONB, through the removal of the existing building (which would not be achieved by the extant planning permission);
- secure investment at the site, which would have wider economic benefits; and
- contribute to meeting the housing requirements of the Borough.

It is demonstrated that there are considerable benefits associated with the proposed development and no identified adverse impacts, other than the potential tension associated with the settlement strategy.

It has been shown that the key purposes of the settlement strategy (to protect the countryside from visually harmful development and to deliver sustainable patterns of development) would be fully achieved by the proposed development. The proposal is considered to be in accordance with the planning policy framework and should be allowed. Also, the proposed development would make a contribution, albeit a small contribution, to meeting the housing requirements of the Borough.

Finally, it is not considered that permission for this development would create a precedent for the acceptance of other application for isolated dwellings as this is a unique brownfield site within a former Inn curtilage which is no longer economically viable to run as the existing use. The allowance of this appeal would reflect the recent appeal decision APP/T2350/A/12/2188166 which was previously allowed (appendix C).

The development, on balance and compared to the retention of the existing use and buildings, would be a sustainable use of the land in line with Paragraph 49 of the NPPF.

The positive aspects of the development set out in the previous paragraphs and the presumption in favour of sustainable development are material considerations that indicate, in this case, that the appeal should be determined other than in accordance with the Development Plan.

Smiths Gore
December 2014