

**Planning appeal against the refusal by Ribble Valley Borough council of an application to remove condition no 4 (occupancy period) of planning permission 3/2001/0781P to allow holiday lets to be used as permanent residential dwellings**

**Wolfen Mill, Fish House Lane Chipping, Lancs, PR3 2GR**

**Application no 3/2013/0419**

**Appeal statement**

Planning application no 3/2001/0781P was approved in December 2001 for the “Conversion of existing dwellings and cottage to nine holiday lets”

The approval was subject to various conditions including the following no 4:-

The unit(s) of accommodation shall not be let to or occupied by any one person or group of persons for a continuous period of longer than three months in any one year and in any event shall not be used as a permanent accommodation.

The properties have been let under this condition up to and including the present time.

It was refused by the LPA on the 24 July, 2013 for the following reasons:-

Approval of the removal of this condition would not be in accordance with the NPPF presumption in favour of sustainable development, and it would also be contrary to guidance within Local Plan Policies G1, ENV1, H2, H15 and H23, Core Strategy (Regulation 22 Submission Draft) Policies DMG1, DME2, DMH1, DMH3 and DMH4 and guidance within the NPPF. The site is in a predominantly rural location and by virtue of its isolation in relation to the village of Chipping, it is considered to be an unsustainable location for the creation of new dwellings. There are no exceptional or special circumstances that override this concern.

**Reasons for the application**

Holiday lets in the Ribble Valley have become more difficult to achieve because of foreign competition subsequent to cheap air flights, because of the economic downturn and also because of the increased amount of planning approvals granted for them within the Borough.

All of the above has made it much more difficult to sustain a viable holiday let business.

The following have all been approved since the conversion of the appeal site to holiday lets was approved and gives some indication of the increase in competition

Approvals for holiday lets since Wolfen Mill was allowed

<b>Application no</b>	<b>Address</b>	<b>No of holiday lets approved</b>	<b>Date of decision</b>
3/2012/1099	Swinglehurst Cottage, Chipping	3	19/03/2013
3/2010/0330	Old coach House, Worston (renewal)	3	18/06/2010
3/2010/0238	Todber Caravan Park, Gisburn	2	18/05/2010
3/2009/0977	The Oaks, Whalley	1	
3/2009/0649	Todber Caravan Park, Gisburn	1	16/09/2009
3/2009/0440	Skirden Hall barn, Tosside	3	14/07/2009
3/2009/0062	Mill Farm, Waddington	1	20/04/2009
3/2009/0045	Storeygate Lane, Ribchester	3	06/03/2009
3/2008/0716	Buck Inn, Paythorne	1	26/11/2008
3/2008/0657	The Keep, Pendleton	1	26/11/2008
3/2008/0576	Deerstones, Newton	1	20/08/2008
3/2008/0391	High Ellerbeck Barn, Slaidburn	1	25/06/2008
3/2008/0403	Davis Gate Barn	1	18/07/2008
3/2008/0034	Keepers Cottage, Langho	3	04/03/2008
3/2007/1139	The Oaks, Langho	2	28/07/2008
3/2007/0842	Windover, Slaidburn	1	24/10/2007
3/2007/0248	Old Coach House, Worston	3	13/06/2007
3/2006/1015	Abbey Farm, Whalley	4	16/03/2007
3/2007/0032	Angram Green Farm, Worston	1	16/03/2007

3/2006/0525	Sooty Laithe Knotts, Tosside	1	05/10/2006
3/2006/0464	Stonehouse Barn, Ribchester	1	21/07/2006
3/2006/0412	Higher Trapp Stables, Simonstone	8	21/06/2006
3/2005/0583	Brook House, W Bradford	1	28/07/2005
3/2005/0463	Bowtree House, Waddington	1	19/07/2005
3/2005/0442	Butchers Laithe, Tosside	1	05/07/2005
3/2005/0216	Abbey Farm, Whalley	2	13/05/2005
3/2005/0199	Drake House Farm. W Bradford	1	27/04/2005
3/2004/1239	Pinfold Farm, Ribchester	1	09/02/2005
3/2004/0592	Saddle Barn, Bashall Eaves	3	11/08/2004
3/2004/0523	Burons Laithe, Horton in Craven	1	13/07/2004
3/2004/0253	Stone House Barn, Ribchester	1	15/06/2004
3/2003/1052	Moor Game Hall, Dutton	1	16/01/2004
3/2003/0932	Manor Farm, Chaigley	1	10/12/2003
3/2003/0871	New Barn Farm, Longridge	1	25/11/2003
3/2003/0836	Aspinall Farm, Dinckley	1	25/11/2003
3/2003/0767	Cobden Farm, Sabden	3	07/10/2003
3/2003/0676	Pain Hill bungalow, Slaidburn	1	12/09/2003
3.2003/0601	Marsdens Farm,, Bashall eaves	1	22/09/2003
3/2003/0511	Old Post House Hotel, Clitheroe	1	24/07/2003

3/2003/0148	Cunliffe House Farm, Langho	2	08/10/2003
3/2002/0894	Mill House Barn, Langho	1	17/06/2003
3/2002/0707	Cragg House, Chipping	1	23/04/2003
3/2002/0165	Cow Hey, Bashall Eaves	2	23/10/2002
3/2001/0752	Stonefold, Newton	1	05/04/2002
3/2001/0341	Lower Gylls Farm, Rimington	1	13/05/2002
Total		74	

### **Pre application advice**

The LPA offers a pre application advisory service (for a fee) and advantage was taken of this in February, 2012. A copy of the LPA's response, dated 12 April, 2012 is included with the appeal documents. It was on the strength of that response that the application for the removal of the condition was submitted

It is accepted that the advice given by the LPA in pre application correspondence is given on a without prejudice basis but it must carry some significance otherwise the process would be meaningless

The LPA's advice is in direct contradiction with the reasons given for the application refusal. It concludes that such a proposal is policy compliant. Thus the pre application advice is completely contrary to the policy reasons given in the decision Notice. It is not as if the refusal is the result of a Committee decision: the reasons for refusal have been drafted under officer delegated powers within the same department which has previously viewed the proposal against policies in a very favourable light

The pre application response of the 12 April, 2012 concludes as follows:-

*In assessing your proposal I have been mindful of the Ribble Valley District wide Local Plan Policies in respect of development within the open countryside (G5), the Forest of Bowland Area of Outstanding Natural Beauty (ENV1) and policies with regard to*

*conversion of buildings outside of settlement boundaries (Hi5, H16, and H17).*

*Development within the Area of Outstanding Natural Beauty*

*Policy ENV 1 relates to the Forest of Bowland Area of Outstanding Natural Beauty (AONB).....*

*You stated in your supporting material that no external alterations are proposed.*

*If this is the case, the development is likely to be acceptable in terms of this policy, however changes to the residential curtilage, extensions or unsympathetic alterations would be unadvisable*

*Conversions of Barns and Other Buildings to Dwellings*

*Policies H15, H16, and Hi7 of the Local Plan provide guidance in the determination of proposals for conversions for buildings outside of settlement boundaries.*

*Policy H15 relates to the location of the building to be converted, which states that the conversion of appropriate buildings within settlements or which form part of already defined groups is acceptable. I am confident that this proposal is in line with the policy as it relates to a group of buildings, with existing access, and proximate to Chipping.*

*Policy H16 relates to the building itself.....*

*I am confident that the building for conversion fulfils all of the above criteria. However, in your supporting statement, you suggest that an extension may be sought to the detached cottage. This would normally be resisted under the policy H16, which states that the building to be converted should be of a sufficient size to provide minimal living accommodation without further extensions.*

*Policy H17 relates to design matters....*

*In your supporting letter you state that no external alterations are proposed, though if this changes at planning application stage, any design features will have to be sensitive to the existing materials and character of the building. New window or door openings should be avoided.*

## *Conclusion*

*In assessing the proposal against the above policies, it is clear that the principal of residential conversion of the Wolfen Mill complex is acceptable in planning terms, subject to the considerations in terms of design, and impacts on the AONB that I have outlined above.*

The LPA in its officer report states with regard to the pre application advice given that *“in the intervening period (of over 12 months) until this application was submitted and determined, the Council’s interpretation of the new Framework and the overall policy context has evolved, particularly in the light of appeal decisions.* Yet policy has not changed fundamentally if at all and some appeal decisions relating to the same issue have been approved as well as others being dismissed. Much seems to depend on whether appeal sites are close to a village or form a distinctive, established group of buildings

It is the case that policies considered to be favourable to the proposal at pre application stage are used subsequently for reasons for refusal. Such policies are quoted below in order to assess them against the appeal proposal

Before doing so, however, reference must be made to the weight to be given to them.

The LPA does not have an adopted Core strategy in place and one submitted was withdrawn on the advice of the appointed Planning Inspector because of, amongst other things, the evidence base relating to housing and employment needs.

The LPA is reliant, therefore, on its District Wide Local Plan adopted in 1998. It is thus considerably out of date. The National Policy Planning framework (NPPF) states that:-

*214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.*

*215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

The following quoted policies should be viewed in the light of the above – even though in our opinion (and that of the officers at pre application stage) the proposal accords with those in the District wide Local Plan

Quoted Local District Plan policies (adopted 1998) to support the refusal	Appellant comments when considering the existing use and the proposed
<p><b>POLICY GI</b> All development proposals will be expected to provide a high standard of building design and landscape quality. Development which does so will be permitted, unless it adversely affects the amenities of the surrounding area.</p> <p>In determining planning applications the following criteria will be applied:</p>	
(a) Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature.	No external changes are proposed
(b) The likely scale and type of traffic generation will be assessed in relationship to the highway infrastructure and the proposed and existing public transport network. This will include safety, operational efficiency, amenity and environmental considerations.	<p>See separate note on this matter.</p> <p>The appeal site is some 1.6km from the centre of Chipping (and where there is a housing development along the way and where the redevelopment of the former chair manufacturing site is actively being pursued)</p> <p>Chipping village ranks as 6th equal out of 34 settlements in terms of amenities( in the evidence base produced as part of the LDF)</p> <p>While PPG’s have now been replaced the former PPG 13 (Para. 25) stated <i>“walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2km”</i>.</p> <p>Paragraph 78 stated <i>“cycling also has potential to substitute for short car trips, particularly those under 5km and to form part of a longer journey by public transport”</i>.</p>
(c) Developments should make adequate arrangements for car parking (see Policy T7).	Standards met and the LPA is raising no objections to this
(d) A safe access should be provided which is suitable to accommodate the scale and type of traffic likely to be generated.	No change to current, acceptable arrangements

<p>(e) The density, layout and relationship between buildings is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings as well as the effects of development on existing amenities.</p>	<p>No external changes are proposed</p>
<p>(f) Developments should provide adequate arrangements for servicing and public utilities.</p>	<p>No changes are proposed to the current , acceptable and approved arrangements</p>
<p>(g) Developments should provide adequate daylighting and privacy.</p>	<p>No changes are proposed to the current , acceptable and approved arrangements</p>
<p>(h) Materials used should be sympathetic to the character of the area.</p>	<p>The buildings were constructed as houses. They are built out of natural stone and are entirely in keeping with the local vernacular</p>
<p>(i) Developments should not result in the loss of important open space including public and private playing fields.</p>	<p>No change to the existing</p>
<p>(j) Developments should not damage SSSI's, County Heritage Sites, Local Nature Reserves or other sites of nature conservation importance.</p>	<p>No such damage</p>
<p>(k) Development should not require culverting, artificial channelling or destruction of a watercourse. Wherever possible watercourses should be maintained within a reasonable corridor of native vegetation.</p>	<p>No change to the existing situation</p>
<p>(l) Developments should be economic in the use of land, water and aggregates and should not prejudice future development which would provide significant environmental and amenity improvements. Where it is the intention to rely upon a private water supply, developments should provide an adequate means of water supply, which will not derogate existing users.  In certain cases additional factors may be taken into account.</p>	<p>No change to the existing situation</p>
<p><b>POLICY ENV1</b> The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. In addition development will also need to contribute to the conservation of the natural beauty of the area. The environmental effects of proposals will be a major consideration and the design, materials, scale, massing and landscaping of development will be important factors in deciding planning applications (see Policy G1). The protection, conservation and enhancement of the natural environment will be the most</p>	<p>No change to the existing situation</p>



important considerations in the assessment of any development proposal. Regard will also be had to the economic and social well-being of the area.	
<b>POLICY H2</b> Outside the settlement boundaries, as defined on the proposals map, residential development will be limited to:	
1. Development essential for the purposes of agriculture or forestry or other uses wholly appropriate to the rural area.	This is not new development in the form of new construction. The application is essentially for the removal of a condition but where the proposal is within the same use class
2. The appropriate conversion of buildings to dwellings, provided they are suitably located and their form, bulk and general design are in keeping with their surroundings. Buildings must also be structurally sound and capable of conversion without the need for complete or substantial reconstruction. (see Policies H15, H16 and H17 for further advice).	The buildings are structurally sound and capable of use as permanent dwellings. They are in keeping with their surroundings  They are suitably located in relation to the proximity to Chipping village (See earlier comments on this matter)
3. Residential development specifically intended to meet a proven local need. (see Section 5.14 for further advice).  The impact of proposals on the countryside will be an important consideration in determining all applications. Development should be appropriately sited and landscaped. In addition, scale, design and materials used must reflect the character of the area, and the nature of the enterprise	As above
<b>POLICY H15</b> Planning permission will be granted for the conversion of buildings to dwellings in situations where:	
(i) there need be no unnecessary expenditure by public authorities and utilities on the provision of infrastructure;	No such expenditure required
(ii) there would be no materially damaging effect on the landscape qualities of the area;	No change to the existing situation and no such damage
(iii) there would be no unacceptable harm to nature conservation interests;	No change to the existing situation and no such damage
(iv) there would be no detrimental effect on the rural economy; and	No such detrimental effects

(v) within the AONB the proposal should be consistent with the conservation of the natural beauty of the area.	No detrimental effects on the AONB or on the natural beauty of the area
<p><b>Policy H23</b> REMOVAL OF HOLIDAY LET CONDITIONS POLICY</p> <p>15.6.1 Proposals seeking the removal of conditions which restrict the occupation of dwellings to tourism/visitor usage will be refused unless the proposal conforms to the normal development control policies of this local plan. Policies G5, H2 and H15, H16 and H17 will be particularly relevant in any assessment.</p>	Comments on the quoted policies show that the proposal conforms to the normal development control policies
<b>H23 refers to the following specifically</b>	
<p><b>POLICY H16</b> Conversions of buildings to dwellings will be granted providing:</p>	
(a) the building is structurally sound and capable of conversion for the proposed use without the need for extensive building or major alterations which would adversely affect the character or appearance of the building, the Council will should include plans of any rebuilding which is proposed;	<p>The buildings are structurally sound</p> <p>No external alterations are proposed</p>
(b) the building is of sufficient size to provide for minimal living accommodation without the need for further extensions which would harm the character or appearance of the building;	The policy is met by the proposal
(c) the character of the building and its materials are appropriate to its surroundings and the building is worthy of retention because of its intrinsic interest or potential or its contribution to its setting;	These existing stone built buildings used to be dwellings and are characteristic of the vernacular architecture. They are more than worthy of retention
(d) the building, if provided under permitted development rights, has a genuine history of use for agriculture or another rural enterprise.	These are not new buildings purpose built for holiday letting. They are former dwellings with a long history
<p><b>Policy G5</b></p> <p>Outside the main settlement boundaries and the village boundaries planning consent will only be granted for small-scale developments which are:</p>	
i) essential to the local economy or the social well being of the area; or	This is not a brand new development but is a

	slight change of use within the same use class
ii) needed for the purposes of agriculture or forestry; or	
iii) sites developed for local needs housing (subject to Policy H20 of this plan); or	
iv) small scale tourism developments and small scale recreational developments appropriate to a rural area subject to Policy RTI; or	
v) other small-scale uses appropriate to a rural area which conform to the policies of this plan.	
(a) the design of the conversion is of a high standard and is in keeping with local tradition, particularly in terms of materials, geometric form and window and door openings;	No external changes are proposed
(b) the impact of the development or the effects of the creation of a garden area, together with any garaging or car parking facilities or other additions, will not harm the appearance or function of the area in which it is situated;	No external changes are proposed
(c) the access to the site should be to a safe standard, or should be capable of being improved to a safe standard without harming the appearance of the area.	No external changes are proposed

## Draft Core Strategy policies

(Not yet adopted)

<p><b>Quoted draft Core Strategy policies to support the refusal</b></p>	
<p><b>Policy DMG1: general considerations</b></p> <p><b>10.4</b> IN DETERMINING PLANNING APPLICATIONS, ALL DEVELOPMENT MUST:</p>	
<ul style="list-style-type: none"> <li>• BE OF A HIGH STANDARD OF BUILDING DESIGN WHICH CONSIDERS THE BUILDING IN CONTEXT PRINCIPLES (FROM THE CABE/ENGLISH HERITAGE BUILDING ON CONTEXT TOOLKIT.</li> </ul>	<p>No external changes are proposed</p>
<ul style="list-style-type: none"> <li>• BE SYMPATHETIC TO EXISTING AND PROPOSED LAND USES IN TERMS OF ITS SIZE, INTENSITY AND NATURE AS WELL AS SCALE, MASSING, STYLE, FEATURES AND BUILDING MATERIALS.</li> </ul>	<p>No external changes are proposed</p>
<ul style="list-style-type: none"> <li>• CONSIDER THE POTENTIAL TRAFFIC AND CAR PARKING IMPLICATIONS.</li> </ul>	<p>See separate note on this matter.</p> <p>The appeal site is some 1.6km from the centre of Chipping (and where there is a housing development along the way and where the redevelopment of the former chair manufacturing site is actively being pursued)</p> <p>Chipping village ranks as 6th equal out of 34 settlements in terms of amenities( in the evidence base produced as part of the LDF)</p> <p>While PPG's have now been replaced the former PPG 13 (Para. 25) <i>stated "walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2km".</i></p> <p>Paragraph 78 <i>stated "cycling also has potential to substitute for short car trips, particularly those under 5km and to form part of a longer journey by public transport".</i></p>
<ul style="list-style-type: none"> <li>• ENSURE SAFE ACCESS CAN BE PROVIDED WHICH IS SUITABLE TO ACCOMMODATE THE SCALE AND TYPE OF TRAFFIC LIKELY TO BE GENERATED.</li> </ul>	<p>No change to the existing situation</p>
<ul style="list-style-type: none"> <li>• CONSIDER ADEQUATE DAY LIGHTING AND PRIVACY DISTANCES.</li> </ul>	<p>No change to the existing situation</p>

<ul style="list-style-type: none"> <li>• CONSIDER THE ENVIRONMENTAL IMPLICATIONS SUCH AS SSSIS, COUNTY HERITAGE SITES, LOCAL NATURE RESERVES, BIODIVERSITY ACTION PLAN (BAP) HABITATS AND SPECIES, SPECIAL AREAS OF CONSERVATION AND SPECIAL PROTECTED AREAS, PROTECTED SPECIES, GREEN CORRIDORS AND OTHER SITES OF NATURE CONSERVATION.</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• CONSIDER THE PROTECTION AND ENHANCEMENT OF PUBLIC RIGHTS OF WAY AND ACCESS.</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• ALL DEVELOPMENT MUST PROTECT AND ENHANCE HERITAGE ASSETS AND THEIR SETTINGS.</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• WITH REGARDS TO POSSIBLE EFFECTS UPON THE NATURAL ENVIRONMENT, THE COUNCIL PROPOSE THAT THE PRINCIPLES OF THE MITIGATION HIERARCHY BE FOLLOWED. THIS GIVES SEQUENTIAL PREFERENCE TO THE FOLLOWING: <ol style="list-style-type: none"> <li>1) ENHANCE THE ENVIRONMENT</li> <li>2) AVOID THE IMPACT</li> <li>3) MINIMISE THE IMPACT</li> <li>4) RESTORE THE DAMAGE</li> <li>5) COMPENSATE FOR THE DAMAGE</li> <li>6) OFFSET THE DAMAGE.</li> </ol> </li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• ALL NEW DEVELOPMENT PROPOSALS WILL BE REQUIRED TO TAKE INTO ACCOUNT THE RISKS ARISING FROM FORMER COAL MINING AND, WHERE NECESSARY, INCORPORATE SUITABLE MITIGATION MEASURES TO ADDRESS THEM.</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• ACHIEVE EFFICIENT LAND USE AND THE RE USE AND REMEDIATION OF PREVIOUSLY DEVELOPED SITES WHERE POSSIBLE.</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• HAVE REGARD TO PUBLIC SAFETY AND SECURED BY DESIGN PRINCIPLES.</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• CONSIDER THE DENSITY, LAYOUT AND RELATIONSHIP BETWEEN BUILDINGS, WHICH IS OF MAJOR IMPORTANCE. PARTICULAR EMPHASIS WILL BE PLACED ON VISUAL APPEARANCE AND THE RELATIONSHIP TO SURROUNDINGS, INCLUDING IMPACT ON LANDSCAPE CHARACTER, AS WELL AS THE EFFECTS OF DEVELOPMENT ON EXISTING AMENITIES.</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• NOT ADVERSELY AFFECT THE AMENITIES OF THE SURROUNDING AREA.</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• NOT PREJUDICE FUTURE DEVELOPMENT WHICH WOULD PROVIDE SIGNIFICANT ENVIRONMENTAL AND AMENITY IMPROVEMENTS.</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• NOT RESULT IN THE NET LOSS OF IMPORTANT OPEN SPACE, INCLUDING PUBLIC AND PRIVATE PLAYING FIELDS WITHOUT A ROBUST ASSESSMENT THAT THE SITES ARE SURPLUS TO NEED.</li> </ul>	No change to the existing situation

<ul style="list-style-type: none"> <li>• USE SUSTAINABLE CONSTRUCTION TECHNIQUES WHERE POSSIBLE AND PROVIDE EVIDENCE THAT ENERGY EFFICIENCY HAS BEEN INCORPORATED INTO SCHEMES WHERE POSSIBLE.</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• CONSIDER AIR QUALITY AND MITIGATE ADVERSE IMPACTS WHERE POSSIBLE.</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• THE CODE FOR SUSTAINABLE HOMES AND LIFETIME HOMES SHOULD BE INCORPORATED INTO SCHEMES.</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• HAVE REGARD TO THE AVAILABILITY TO KEY INFRASTRUCTURE WITH CAPACITY. WHERE KEY INFRASTRUCTURE WITH CAPACITY IS NOT AVAILABLE IT MAY BE NECESSARY TO PHASE DEVELOPMENT TO ALLOW INFRASTRUCTURE ENHANCEMENTS TO TAKE PLACE</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• CONSIDER THE POTENTIAL IMPACT ON SOCIAL INFRASTRUCTURE PROVISION. IN ASSESSING THIS, REGARD MUST BE HAD TO THE LEVEL OF PROVISION AND STANDARD OF PUBLIC OPEN SPACE IN THE AREA, THE IMPORTANCE OF PLAYING FIELDS AND THE NEED TO PROTECT SCHOOL PLAYING FIELDS TO MEET FUTURE NEEDS. REGARD WILL ALSO BE HAD TO THE LANDSCAPE OR TOWNSCAPE OF AN AREA AND THE IMPORTANCE THE OPEN SPACE HAS ON THIS.</li> </ul>	No change to the existing situation
<p><b>POLICY DME2: LANDSCAPE AND TOWNSCAPE PROTECTION</b></p> <p><b>10.13</b> DEVELOPMENT PROPOSALS WILL BE REFUSED WHICH SIGNIFICANTLY HARM IMPORTANT LANDSCAPE OR LANDSCAPE FEATURES INCLUDING:</p>	
<ul style="list-style-type: none"> <li>• TRADITIONAL STONE WALLS</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• PONDS</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• CHARACTERISTIC HERB RICH MEADOWS AND PASTURES</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• WOODLANDS</li> </ul>	No change to the existing situation
<ul style="list-style-type: none"> <li>• COPSES</li> </ul>	No change to the existing situation

<ul style="list-style-type: none"> <li>• HEDGEROWS AND INDIVIDUAL TREES (OTHER THAN IN EXCEPTIONAL CIRCUMSTANCES WHERE SATISFACTORY WORKS OF MITIGATION OR ENHANCEMENT WOULD BE ACHIEVED, INCLUDING REBUILDING, REPLANTING AND LANDSCAPE MANAGEMENT)</li> </ul>	<p>No change to the existing situation</p>
<ul style="list-style-type: none"> <li>• TOWNSCAPE ELEMENTS SUCH AS THE SCALE, FORM, AND MATERIALS THAT CONTRIBUTE TO THE CHARACTERISTIC TOWNSCAPES OF THE AREA</li> </ul>	<p>No change to the existing situation</p>
<ul style="list-style-type: none"> <li>• UPLAND LANDSCAPES AND ASSOCIATED HABITATS SUCH AS BLANKET BOG</li> </ul>	<p>No change to the existing situation</p>
<ul style="list-style-type: none"> <li>• BOTANICALLY RICH ROADSIDE VERGES (THAT ARE WORTHY OF PROTECTION)</li> </ul>	<p>No change to the existing situation</p>
<p><b>POLICY DMH1: AFFORDABLE HOUSING CRITERIA</b></p> <p>10.18 WHERE PROPOSALS INVOLVE THE PROVISION OF AFFORDABLE HOUSING UNITS, THE RESIDENTIAL DEVELOPMENT MUST BE EXPRESSLY FOR THE FOLLOWING GROUPS OF PEOPLE:</p>	<p>Affordable housing requirements usually apply to new build rather than to conversions (or, as in this case, to the removal of a condition which will allow a change within the same use class)</p> <p>No affordable housing is being required by the LPA in this case</p>
<ul style="list-style-type: none"> <li>• FIRST TIME BUYERS CURRENTLY RESIDENT IN THE PARISH OR AN ADJOINING PARISH</li> </ul>	
<ul style="list-style-type: none"> <li>• OLDER PEOPLE CURRENTLY RESIDENT IN THE PARISH OR AN ADJOINING PARISH</li> </ul>	
<ul style="list-style-type: none"> <li>• THOSE EMPLOYED IN THE PARISH OR AN IMMEDIATELY ADJOINING PARISH BUT CURRENTLY LIVING MORE THAN 5 MILES FROM THEIR PLACE OF EMPLOYMENT</li> </ul>	
<ul style="list-style-type: none"> <li>• THOSE WHO HAVE LIVED IN THE PARISH FOR ANY 5 OF THE LAST 10 YEARS HAVING LEFT TO FIND SUITABLE ACCOMMODATION AND ALSO WITH CLOSE FAMILY REMAINING IN THE VILLAGE</li> </ul>	
<ul style="list-style-type: none"> <li>• THOSE ABOUT TO TAKE UP EMPLOYMENT IN THE PARISH</li> </ul>	

<ul style="list-style-type: none"> <li>• PEOPLE NEEDING TO MOVE TO THE AREA TO HELP SUPPORT AND CARE FOR A SICK, ELDERLY OR INFIRM RELATIVE.</li> </ul> <p>IN ADDITION TO THESE GROUPS OF PEOPLE, OTHERS MAY HAVE SPECIAL CIRCUMSTANCES THAT CAN BE APPLIED. THESE WILL BE ASSESSED ON THEIR INDIVIDUAL MERITS. THIS POLICY ONLY RELATES TO THE AFFORDABLE HOUSING NEEDS ELEMENT. PROPOSALS MUST ALSO CONFORM TO POLICY DMG1 AND ANY OTHER RELEVANT POLICY OF THIS CORE STRATEGY. AS MENTIONED ABOVE PROVIDING HOUSING FOR OLDER PEOPLE IS A PRIORITY FOR THE COUNCIL WITHIN THE HOUSING STRATEGY, AND HAS BEEN FOR A NUMBER OF YEARS. HOWEVER VERY LITTLE SUCH ACCOMMODATION HAS BEEN DEVELOPED BY THE MARKET. THEREFORE, WITHIN THE NEGOTIATIONS FOR HOUSING DEVELOPMENTS, 15% OF THE UNITS WILL BE FOR ELDERLY PROVISION. WITHIN THIS 15% FIGURE A MINIMUM OF 50% WOULD BE AFFORDABLE AND BE INCLUDED WITHIN THE OVERALL AFFORDABLE HOUSING THRESHOLD OF 30%. THE REMAINING 50% (IE THE REMAINING 50% OF THE 15% ELDERLYRELATED ELEMENT) WILL BE FOR MARKET HOUSING FOR ELDERLY GROUPS. FURTHER DETAIL IS OUTLINED WITHIN THE ADDRESSING HOUSING NEEDS IN RIBBLE VALLEY STATEMENT AND THIS POLICY IS FURTHER EVIDENCED WITHIN THE STRATEGIC HOUSING MARKET ASSESSMENT. ANY PROPOSALS FOR AFFORDABLE HOUSING MUST BE ACCOMPANIED WITH THE FOLLOWING INFORMATION:</p>	
<ul style="list-style-type: none"> <li>• DETAILS OF WHO THE ACCOMMODATION WILL BE EXPECTED TO ACCOMMODATE. THIS SHOULD INCLUDE A FULL SURVEY OF THE EXTENT OF NEED AND INCLUDE PERSONS WHO HAVE EXPRESSED AN INTEREST IN THE PROPERTY. AND HOW THE COST OF THE ACCOMMODATION WILL BE MATCHED TO THE INCOMES OF THESE TARGET GROUPS.</li> </ul>	
<ul style="list-style-type: none"> <li>• DETAILS OF THE METHODS BY WHICH THE ACCOMMODATION WILL BE SOLD OR LET, MANAGED AND RETAINED FOR ITS ORIGINAL PURPOSE</li> </ul>	
<p><b>POLICY DMH3: DWELLINGS IN THE OPEN COUNTRYSIDE AND AONB</b></p> <p><b>10.20</b> WITHIN AREAS DEFINED AS OPEN COUNTRYSIDE OR AONB ON THE PROPOSALS MAP, RESIDENTIAL DEVELOPMENT WILL BE LIMITED TO:</p> <ul style="list-style-type: none"> <li>• DEVELOPMENT ESSENTIAL FOR THE PURPOSES OF AGRICULTURE OR RESIDENTIAL DEVELOPMENT WHICH MEETS AN IDENTIFIED LOCAL NEED.</li> </ul>	<p>The appeal application is not for new build</p>



<ul style="list-style-type: none"> <li>• THE APPROPRIATE CONVERSION OF BUILDINGS TO DWELLINGS PROVIDING THEY ARE SUITABLY LOCATED AND THEIR FORM AND GENERAL DESIGN ARE IN KEEPING WITH THEIR SURROUNDINGS.</li> <li>BUILDINGS MUST BE STRUCTURALLY SOUND AND CAPABLE OF CONVERSION WITHOUT THE NEED FOR COMPLETE OR SUBSTANTIAL RECONSTRUCTION.</li> </ul>	<p>The buildings are structurally sound and no external alterations are proposed</p>
<ul style="list-style-type: none"> <li>• THE REBUILDING OR REPLACEMENT OF EXISTING DWELLINGS SUBJECT TO THE FOLLOWING CRITERIA:</li> </ul>	<p>Not applicable</p>
<ul style="list-style-type: none"> <li>• THE RESIDENTIAL USE OF THE PROPERTY SHOULD NOT HAVE BEEN ABANDONED.</li> </ul>	
<ul style="list-style-type: none"> <li>• THERE BEING NO ADVERSE IMPACT ON THE LANDSCAPE IN RELATION TO THE NEW DWELLING.</li> </ul>	
<ul style="list-style-type: none"> <li>• THE NEED TO EXTEND AN EXISTING CURTILAGE.</li> </ul>	
<p>THE CREATION OF A PERMANENT DWELLING BY THE REMOVAL OF ANY CONDITION THAT RESTRICTS THE OCCUPATION OF DWELLINGS TO TOURISM/VISITOR USE OR FOR HOLIDAY USE WILL BE REFUSED ON THE BASIS OF UNSUSTAINABILITY.</p>	<p><b>The site is not unsustainably located</b></p> <p>The appeal site is some 1.6km from the centre of Chipping (and where there is a housing development along the way and where the redevelopment of the former chair manufacturing site is actively being pursued)</p> <p>Chipping village ranks as 6th equal out of 34 settlements in terms of amenities( in the evidence base produced as part of the LDF)</p> <p>While PPG's have now been replaced the former PPG 13 (Para. 25) <i>stated "walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2km".</i></p> <p>Paragraph 78 <i>stated "cycling also has potential to substitute for short car trips, particularly those under 5km and to form part of a longer journey by public transport".</i></p>
<p><b>POLICY DMH4: THE CONVERSION OF BARNS AND OTHER BUILDINGS TO DWELLINGS</b></p> <p>10.21 PLANNING PERMISSION WILL BE GRANTED FOR THE CONVERSION OF BUILDINGS TO DWELLINGS WHERE</p>	
<ul style="list-style-type: none"> <li>• THE BUILDING IS NOT ISOLATED IN THE LANDSCAPE, IS WITHIN A DEFINED SETTLEMENT</li> </ul>	<p>The buildings are not isolated in the landscape and used to be dwellings. There are other</p>

OR FORMS PART OF AN ALREADY DEFINED GROUP OF BUILDINGS, AND	dwellings in the immediate vicinity. They themselves form an already defined group of buildings
• THERE NEED BE NO UNNECESSARY EXPENDITURE BY PUBLIC AUTHORITIES AND UTILITIES ON THE PROVISION OF INFRASTRUCTURE, AND	No such expenditure needed
• THERE WOULD BE NO MATERIALLY DAMAGING EFFECT ON THE LANDSCAPE QUALITIES OF THE AREA OR HARM TO NATURE CONSERVATIONS INTERESTS, AND	No damage
• THERE WOULD BE NO DETRIMENTAL EFFECT ON THE RURAL ECONOMY, AND	No such detrimental effect
• THE PROPOSALS ARE CONSISTENT WITH THE CONSERVATION OF THE NATURAL BEAUTY OF THE AREA.	No external changes are proposed
• THAT ANY EXISTING NATURE CONSERVATION ASPECTS OF THE EXISTING STRUCTURE ARE PROPERLY SURVEYED AND WHERE JUDGED TO BE SIGNIFICANT PRESERVED OR, IF THIS IS NOT POSSIBLE, THEN ANY LOSS ADEQUATELY MITIGATED.	No adverse impact on such issues a
THE BUILDING TO BE CONVERTED MUST:  • BE STRUCTURALLY SOUND AND CAPABLE OF CONVERSION FOR THE PROPOSED USE WITHOUT THE NEED FOR EXTENSIVE BUILDING OR MAJOR ALTERNATION, WHICH WOULD ADVERSELY AFFECT THE CHARACTER OR APPEARANCE OF THE BUILDING. THE COUNCIL WILL REQUIRE A STRUCTURAL SURVEY TO BE SUBMITTED WITH ALL PLANNING APPLICATION OF THIS NATURE. THIS SHOULD INCLUDE PLANS OF ANY REBUILDING THAT IS PROPOSED;	The buildings are structurally sound.  No external changes are proposed
• BE OF A SUFFICIENT SIZE TO PROVIDE NECESSARY LIVING ACCOMMODATION WITHOUT THE NEED FOR FURTHER EXTENSIONS WHICH WOULD HARM THE CHARACTER OR APPEARANCE OF HE BUILDING, AND	The buildings are clearly of sufficient size.  No external changes are proposed
• THE CHARACTER OF THE BUILDING AND ITS MATERIALS ARE APPROPRIATE TO ITS SURROUNDINGS AND THE BUILDING AND ITS MATERIALS ARE WORTHY OF RETENTION BECAUSE OF ITS INTRINSIC INTEREST OR POTENTIAL OR ITS CONTRIBUTION TO ITS SETTING, AND	The character of the buildings form part of the vernacular architecture of the area

<p>• THE BUILDING HAS A GENUINE HISTORY OF USE FOR AGRICULTURE OR ANOTHER RURAL ENTERPRISE</p>	<p>The buildings are long established and used to be dwellings</p>
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**The NPPF**

Important considerations in the NPPF relate to the following:-

6. Delivering a wide choice of high quality homes

47. To boost significantly the supply of housing, local planning authorities should:

- identify and update annually a supply of specific deliverable<sup>11</sup> sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

*—any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*—specific policies in this Framework indicate development should be restricted*

#### **Appellant comments**

The LPA cannot show that it has a 5 year supply of deliverable housing land – which is one reason why the Core Strategy has been withdrawn.

The LPA’s Planning Committee received a report concerning this matter at its January 2013 meeting. The report (submitted as part of the appeal) concludes that the Borough has a 4.69 year supply. (The LPA argues it its officer report that it has a 5.81 year’s supply but it gives no details of the calculation and cannot be relied on)

In such circumstances (and given that Local policies are out of date) paragraph 14 of the NPPF is particularly pertinent.

*For **decision-taking** this means:*

- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

*—any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*—specific policies in this Framework indicate development should be restricted*

The LPA argues that such adverse impacts relate to the site’s isolated, unsustainable position in relation to the village of Chipping

#### Appellant comments with regard to sustainability

1. The LPA in its pre-application advice came to the conclusion that the site is sustainably located. It stated:-

*Policy H15 relates to the location of the building to be converted, which states that the conversion of appropriate buildings within settlements or which form part of already defined groups is acceptable. I am confident that this proposal is in line with the policy as it relates to a group of buildings, with existing access, and proximate to Chipping.*

2. District wide Local plan policy H23 says as follows:-

## REMOVAL OF HOLIDAY LET CONDITIONS POLICY

*15.6.1 Proposals seeking the removal of conditions which restrict the occupation of dwellings to tourism/visitor usage will be refused unless the proposal conforms to the normal development control policies of this local plan. Policies G5, H2 and H15, H16 and H17 will be particularly relevant in any assessment.*

The analysis of the stated policies shows that the appeal proposal accords with those policies. In particular:-

The appeal site is some 1.6km from the centre of Chipping (and where there is a housing development along the way and where the redevelopment of the former chair manufacturing site is actively being pursued). The LPA concurs with this when, in its officer report, it states *“The existing Wolfen Mill holiday cottage development complex is situated on Fish House Lane, approximately 1 mile north of the village of Chipping”*

Chipping village ranks as 6th equal out of 34 settlements in terms of amenities (in the evidence base, produced as part of the LDF)

While PPG’s have now been replaced the former PPG 13 (Para. 25) stated “walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2km”. The appeal site is some 1.6km away from the centre of the village.

Paragraph 78 stated “cycling also has potential to substitute for short car trips, particularly those under 5km and to form part of a longer journey by public transport”.

The LPA may argue that permanent dwellings may give rise to more frequent car trips than will holiday lets and so the appeal proposal should be opposed for this reason. It is an argument which has been used to substantiate refusals for proposals elsewhere – but where the buildings are very isolated and stand alone. The situation is different here because the buildings form a recognisable defined group of some vintage and because they are not so isolated from a village with a variety of facilities within walking and cycling distance

3. The appeal buildings do form an existing, defined group of buildings in the landscape as opposed to there being an isolated building. In such circumstances the (yet to be approved for adoption) policy DMH4 would allow the buildings to be converted to dwellings on the basis that any *“building is not isolated in the landscape, is within a defined settlement or forms part of an already defined group of buildings”* can be so converted

4. The LPA in its officer report refers to paragraph 55 of the NPPF which advises that ‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. That may be the case with new build properties but this appeal concerns existing holiday let properties which used to be dwellings. (And before that some were presumably part of a mill). The planning approval no 3/2001/0781P was for the “Conversion of existing dwellings and cottage to nine holiday lets”. So until some 12 years ago they were dwellings.

5. While it is accepted that every application must be assessed on its own merits it is the case that a considerable number of other applications for the removal of the same or similar restriction on usage have been allowed. The following list is included to show that this has been the case while the same District Wide Local Plan policies have been in place; there has been no blanket ban applied

<b>Application no</b>	<b>Address</b>	<b>Date of decision</b>
3/2011/0546	Jeffrey and Pendle Cottages Moss Lane Chipping Lancashire	14/10/2011
3/20011/0457	Gypsy Cottage Alston Lane Alston Longridge	16/09/2011
3/2011/0370	Coach House Clough Bottom Farm Rabbit Lane Bashall Eaves	12/08/2011
3/2011/0249	Parlick Moss Lane Chipping	12/08/2011
3/2011/0153	Pinfold Farm Preston Road Ribchester	27/05/2011
3/2010/0674	Sudells Farm Barn Northcote Road Langho	21/01/2011

3/2010/0589	Deerstones Newton-in-Bowland	09/09/2010
3/2001/0860	Lynwood, Clitheroe Road, West Bradford	06/02/2002

6. There are of course other similar applications which have been refused but in such circumstances the key issue revolves around whether or not the particular proposal forms **part of a defined group of buildings**. The importance of this matter is highlighted in appeal case no APP/T2350/A/11/2167938 at Butchers Laithe, Tosside. The Inspector opined as follows:-

*8.. With regard to local planning policies, LP Policy H23 deals with removal of holiday let conditions and notes that such proposals will be refused unless they conform with normal development control policies of the LP, including Policies G5, H2 and HiS-H17 (inclusive)" Taken together, these policies set out the detailed criteria against which such proposals should be assessed .. These criteria are broadly consistent with national guidance" At the heart of the issue between the main parties appears to be whether Butchers Laithe forms part of a defined group of buildings where the explanatory text to LP Policy HiS notes that the conversion of appropriate buildings is acceptable, The text also notes that problems can arise where isolated buildings such as barns are proposed for conversion, which can damage the local landscape and impose some degree of urbanisation, with garden areas and outbuildings that can often be out of keeping with the rural setting of a building.*

*9 .. Historically, Butchers Laithe formed part of the grouping of farm buildings known as Knotts, Middle Knotts and Far Knotts. Having viewed these buildings from the site and the adjacent highway, it is my opinion that the appeal building does not visually read as part of this group of buildings. This is primarily because a generous distance separates Butchers Laithe from these buildings and there is no clear physical or visual association with them even taking into account the well-established stiles set into nearby boundary walls" To my mind, the appeal property occupies an isolated location in the countryside. On that basis, the proposal would not meet satisfy a requirement of LP Policy H23 .*

*10 In reaching that conclusion, I recognise that LP Policy H1S and its accompanying text does not state that the conversion of buildings outside of defined groupings would be unacceptable. Nevertheless, that is the intent of the policy, and it is one that appears to have been applied by the Council and Planning Inspectors to proposals on sites elsewhere.*

*11Reference is made to other examples in which the Council has recently permitted the use of rural buildings as permanent residential occupation, including the holiday cottages at Higher Laithe Barn, Tosside. From the Officers reports accompanying these applications, the buildings in question appear to be located close to the farmhouse and barn at Brockthorne Farm. It was on that basis that the Council concluded that it formed part of an established group of buildings" As those circumstances differ to the proposal I am unable to attach significant weight to this decision in support of the appellant's case.. No detailed information has been provided with regard to the other examples to which the appellant has referred, In any event, each case should be considered on its individual merits, which I have done in this instance.*

The above highlights the substantial weight given to whether proposals form part of a defined group of buildings. In the case of the appeal for Wolfen Lodge the buildings do indeed form part of such a defined group. Moreover they used to be dwellings - as the description of approval no 3/2001/0781P to convert them to holiday lets shows.

As well as the holiday lets there is also within the defined group of buildings the residential houses called Wolfen Mill house, Wolfen Mill cottage and associated buildings. Close by is the large residential building called Wolfen Lodge. Presumably all formed part of the entity which was Wolfen Mill.





In addition the buildings, being some 1.6km from the centre of Chipping, are within the walking and cycling distances as quoted in previous national advisory policy. Even though the policy document has now been superseded the advice regarding acceptable walking and cycling distances remains relevant.

At the heart of national guidance is a presumption in favour of sustainable development. The proposal meets this requirement. The proposal amounts to the special circumstances envisaged in the Framework.