

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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APPEAL STATEMENT

TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/20/3255180
LPA Application Reference:	3/2020/0114

Appeal by Mr & Mrs Eric & Felicia Laycock

Against the refusal by
Ribble Valley Borough Council to grant planning permission for:

**Conversion of existing building to one new dwelling with associated parking and gardens
(Resubmission of application 3/2019/0891).**

Land at Crooked Field barn, Chipping Road, Chaigley, Clitheroe BB7 3LT

**WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF OF
THE LOCAL PLANNING AUTHORITY**

Introduction

1.1 This appeal is against the decision of Ribble Valley Borough Council to refuse planning permission for Conversion of existing building to one new dwelling with associated parking and gardens at Land at Crooked Field barn, Chipping Road, Chaigley, Clitheroe BB7 3LT

1.2 The application was refused under delegated powers on the 16th of March 2020 for the following reason(s):

1. *The proposal is considered contrary to DMH4 of the Ribble Valley Core Strategy insofar that that the building and its materials are not considered worthy of retention by virtue of their intrinsic interest, their potential or contribution to their setting within the defined Forest of Bowland AONB.*
2. *The proposal is considered to be in direct conflict with Key Statement EN2 and Policies DMG1, DMG2, DMH3 and DMH4 of the Ribble Valley Core Strategy by virtue of its design and external appearance in that the proposal would result in the introduction of an incongruous form of residential development which is overtly domestic and suburban in appearance which fails to reflect local distinctiveness, vernacular style or acknowledge the special qualities of the area or contribute or enhance its setting.*
3. *The proposal is considered contrary to Policy DMH4 of the Ribble Valley Core Strategy insofar that it has not been adequately demonstrated that the building to be converted benefits from a genuine history of use for the purposes of agriculture or a rural enterprise.*
4. *The proposed conversion would result in the creation of a new residential dwelling, without sufficient or adequate justification, that does not benefit from adequate walkable access to local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statements DS1, DS2, DMI2 and Policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.*

Appeal Site and Surrounding Context

- 2.1 The application relates to an existing building located off Crooked Field, Chaigley accessed via Chipping Road. The site is located within a largely rural area being within the defined Forest of Bowland AONB, outside of a defined settlement.
- 2.2 The existing building comprises of two-parts linked by way of a mono-pitch roof arrangement. The building is largely single-leaf blockwork construction with elements of the external walls being clad of in a mixture of poly-carbonate and timber cladding. At the time of the original site visit it was clear that the building is not of a substantial level of construction insofar that elements of the building envelope appear to be largely makeshift. With it also being apparent at the time of the aforementioned site-visit that the building appeared to largely be used for domestic storage and accommodate other domestic paraphernalia.

Proposed Development for which consent is sought:

- 3.1 Consent is sought for the conversion of the existing structure to that of a two-bedroom dwelling. It is proposed that the larger section of the building will accommodate two bedrooms, dining, kitchen and lounge areas with the smaller northern portion of the building accommodating a garage and hobby/garden room. The central portion of the building will act as a car-port which will also provide vehicular access to the rear residential curtilage area associated with the proposal.
- 3.2 The submitted details propose that the entirety of the building will be re-clad/re-faced in stone cladding of an unspecified type. The submitted details also propose the re-roofing of the entire structure with 'zinc panels' and the installation of a number of domestic door/windows systems to serve the proposed habitable rooms.

Relevant Planning History

4.1 3/2019/0891:

Conversion of existing building to one new dwelling with associated parking and gardens.
(Refused)

Relevant Planning Policy & Guidance relevant to the Appeal

- 5.1 The planning policy context for the appeal site is set out at a national level by the National Planning Policy Framework (NPPF) and at a local level by the Ribble Valley Core Strategy (Adopted 16th December 2014).

National Policy Context

- 6.1 The National Planning Policy Framework (February 2019) provides the most up to date national planning policy context for the determination of the appeal and is therefore a material consideration in the determination of the appeal.
- 6.2 The NPPF (Para.2) reaffirms that the planning system is plan-led and that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Local Policy Context

- 7.1 The Inspector's final report into the examination of the Core Strategy is dated 25th November 2014 and was made public at 9.00am on Tuesday 2nd December 2014. The Inspector (Simon Berkeley) concluded that, with the recommended main modifications set out in the Appendix to the Inspector's report, the Ribble Valley Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. The formal adoption of the Core Strategy (including the Inspector's modifications) was considered and adopted at a Meeting of Full Council on Tuesday 16th December 2014.
- 7.2 In view of the Inspector's conclusions and the subsequent formal adoption of the Core Strategy the local planning authority considers that full weight can be given to the Core Strategy which fully supersedes the Districtwide Local Plan (1998) and is therefore the starting point for decision making within the Borough.

Principle of Proposed Development

- 7.3 The proposal seeks consent for the creation of a new residential dwelling, outside of a defined settlement, through the conversion of an existing building. As such a number of policies are engaged for the purposes of assessing the appropriateness of the proposed conversion particularly in relation to locational matters or whether such a proposal would meet exception criterion relating to 'need'. In these respects Key Statements DS1 and DMI2 and Policies DMH3, DMH4 and DMG3 of the Ribble Valley Core Strategy are considered fully engaged.
- 7.4 The building to be converted is located in a relatively remote location, being outside of a defined settlement and within the Forest of Bowland AONB. In this respect Policy DMH3 states that that residential development will be limited to *'residential development that meets an identified local need'* and the appropriate conversion of buildings provided they are *'suitably located'* further stating that the building must be *'capable of conversion without the need for complete or substantial reconstruction'*.
- 7.5 Policy DMG2 provides further context in relation to the location aspirations for new residential development within the Borough, stating that outside the defined settlement areas residential development should be for *'local needs housing which meets an identified need'*, a requirement criterion which is also reiterated within Key Statement DS1.
- 7.6 In respect of the above matters the proposal is considered to be in direct conflict with Key Statement DS1 and Policies DMG2 and DMH3 insofar that the proposal is not for that of local needs housing, furthermore it is not considered that the proposed dwelling would be *'suitably located'* insofar that residents or occupiers of the dwelling would not benefit from adequate walkable access to a wide range of local services or facilities.
- 7.7 Further to the above, the appellant, within the submitted statement of case, claims that there is evidence relating to the building being used for agricultural purposes and this was provided at application stage by way of an enforcement notice issued by the authority that relates to a material change of use.
- 7.8 The Inspector is respectfully requested to note that the notice served cites the breach of planning control to be *'the change of use of land from agriculture to mixed use agriculture and*

the siting and storage of a touring caravan'. In this respect the notice relates to the existing land use and not the use of the building(s) to which the appeal relates with no further supporting information having been submitted at appeal stage that further clarifies an agricultural use having been undertaken within the building(s).

7.9 The proposal seeks consent for the conversion of an existing building located within the Forest of Bowland AONB. As such Policy DMH4 is fully engaged for the purposes of assessing any likely visual impacts resultant from the proposal and the suitability of the building in terms of its ability to contribute to the character of the area.

7.10 In this respect Policy DMH4 states that such conversions will be considered acceptable, amongst other criteria, where *'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'*. In this respect it is clear that the building to which the application relates is of a temporary and makeshift appearance that fails to be of any intrinsic architectural or visual merit in that it fails to reflect the typical rural vernacular found within the AONB.

7.11 In this respect the proposal is considered to be in direct conflict with the exception criterion of DMH4 insofar that it is not considered worthy of retention by virtue of its failure to possess any intrinsic interest nor is it considered to currently provide any contribution to its setting or the character of the protected AONB landscape.

7.12 Policy DMH3 is explicit in that residential development will be considered acceptable through the appropriate conversions of buildings providing their *'form and general design are in keeping with their surroundings'*. Extensive works are proposed that would involve the re-cladding of the entirety of the external fabric of the building in stone-cladding. It is further proposed that the entirety of the roof surface will be replaced with zinc panelling and that a number of domestically proportioned windows and doors will be installed on the north-west and south-west elevation, with a double garage door being installed in the north-east elevation of the northern-most section of the building.

7.13 In this respect, taking account of the proposed alterations and external appearance of the proposed building, it is considered that the proposal would result in the introduction of an incongruous form of development which is overtly domestic and suburban in appearance that

fails to reflect local distinctiveness, vernacular style, acknowledge the special qualities of the area contribute or enhance its setting contrary to Key Statement EN2 and Policies DMG1, DMG2, DMH3 and DMH4 of the Ribble Valley Core Strategy.

7.14 Further to the above, consideration must also be given not only to any likely visual impacts result from the proposed works and alterations, but also the extents of works that are proposed. In this respect Policy DMH4 states that the building must be '*capable of conversion for the proposed use without the need for extensive building or major alteration*' with DMH3 further reiterating this requirement stating that the '*buildings must be structurally sound and capable without the need for complete or substantial reconstruction*'.

7.15 However, taking into account the extent of works proposed it is considered that these fall outside of works that could reasonably be considered as conversion, with the entire re-cladding of the building, re-roofing with 'zinc sheeting' and installation of inner leaf and stud walls being considered to be tantamount to substantial reconstruction. Particularly whereby the works would fundamentally alter the appearance of the existing building, beyond a point that it would be recognisable in its current form. As such, when considered cumulatively, it is not considered that the works proposed are solely limited to that of 'conversion'.

Comments on Appellants Statement of Case

Refusal Reason 01:

The proposal is considered contrary to DMH4 of the Ribble Valley Core Strategy insofar that that the building and its materials are not considered worthy of retention by virtue of their intrinsic interest, their potential or contribution to their setting within the defined Forest of Bowland AONB.

8.1 the appellant has failed to adequately address or recognise this reason for refusal insofar that the appellant, within the submitted appeal statement, clearly states (Para.4 'Appearance') that the building and its materials, in their current state are both substandard and fail to lend themselves or contribute to their current setting.

Refusal Reason 02:

The proposal is considered to be in direct conflict with Key Statement EN2 and Policies DMG1, DMG2, DMH3 and DMH4 of the Ribble Valley Core Strategy by virtue of its design and external

appearance in that the proposal would result in the introduction of an incongruous form of residential development which is overtly domestic and suburban in appearance which fails to reflect local distinctiveness, vernacular style or acknowledge the special qualities of the area or contribute or enhance its setting.

8.2 The appellant considers that the over-cladding of the existing building(s) and replacement of the primary roofing materials, including the introduction of domestic windows, would result in a proposal that is complimentary to other buildings in the vicinity and 'greatly improve the setting' of the building.

8.3 The authority maintains that the proposed conversion and associated works would result in a building that appears more domestic in its appearance compared to that of the current structure but also result in a proposal, that by virtue of its design and overall elevational language, would appear anomalous and incongruous when taking account of the appearance of nearby built form and the landscape character of the Forest of Bowland AONB.

Refusal Reason 03:

The proposal is considered contrary to Policy DMH4 of the Ribble Valley Core Strategy insofar that it has not been adequately demonstrated that the building to be converted benefits from a genuine history of use for the purposes of agriculture or a rural enterprise.

8.4 The appellant has failed to provide any additional information that would support the claim that the building has or benefits from a genuine history of use for the purposes of agriculture or a rural enterprise. The appellant has relied upon a historic enforcement notice that relates to a use of land and does not specifically relate to nor make mention of the use of a building. In this respect and following the findings of a site visit at the time of the determination of the application, the authority does not consider that it can be adequately demonstrated that the proposal aligns with Policy DMH4 in this respect.

Refusal Reason 04:

The proposed conversion would result in the creation of a new residential dwelling, without sufficient or adequate justification, that does not benefit from adequate walkable access to local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statements DS1, DS2, DMI2 and Policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.

8.5 The appellant has failed to demonstrate that the proposed dwelling would be for that of local needs housing or for that which is essential for the purposes of agriculture. In this respect the appellant cannot reasonably consider that the proposal aligns with the primary requirement of Policy DMH3(1) nor the requirements of Policy DMG2 which also embodies parallel criterion in respect of local needs and agricultural or forestry use - none of which apply to the current proposal.

8.6 The appellant concedes that the proposal is in a relatively remote location, in this respect and in light of the proposals failure to meet any of the exception criterion in partner policies, it must be asserted that the proposal would result in the creation of a residential dwelling in a location that does not benefit from adequate walkable access to a wide range local services or facilities, placing a primary reliance upon the use of the private motor-vehicle by potential occupiers.

NPPF Para.79

8.7 The appellant, within the submitted appeal statement, considers that the proposal aligns with the requirements of Para.79(e) of the National Planning Policy Framework. The authority does not consider that the proposal would to align with the requirements of Para.79(e) insofar that the design of the proposed dwelling is not exceptional nor would it be outstanding, innovative or reflect the highest standards in architecture that would help raise standards of design more generally in rural area

8.8 Furthermore, the authority considers that Para.79 could not be engaged or invoked in this instance given the dwelling/building would not be truly 'isolated' when taking account of the buildings proximity to nearby built-form and the findings of the *'Braintree District Council v Secretary of State for Communities and Local Government and others [2018] EWCA Civ 610'* High Court Judgement which concluded that 'isolated' in the context of the framework means 'physically isolated' or far away from other places/buildings.

Conclusion/Statement of Case

9.1 Taking into account the above matters it is considered that the proposal fails to accord with the essential criterion of DMH4 insofar that the existing building (and materials) fail to be worthy

of retention insofar that they fail to possess any intrinsic interest and fail to contribute or enhance their setting. A matter which the appellant concedes within their appeal statement by stating that *'the timber cladding is tired and does not lend itself to the beauty of nearby buildings nor its AONB setting'* the appellant also admits to a *'decline in the aesthetic'* of the building and further states that the cladding of the entirety of the building in stone will make it *'more sympathetic to its setting'*.

- 9.2 In this respect, given the appellant openly admits that the current appearance of the building is *'substandard'* and proposes that the entirety of the building will be clad in stone (with the roof also being replaced), the appellant cannot reasonably then go on to argue that the materials or building are worthy of retention given they seek to conceal the entirety of the current material finish of the building (by external over-cladding) and openly admit that the building fails to contribute to its setting.
- 9.3 In respect of these matters the appellant clearly and consistently presents a paradoxical argument within their submitted appeal statement. As such the Local planning Authority considers it cannot be reasonably argued that the appeal proposal aligns with the requirements of Policy DMH4.
- 9.4 The proposal is further considered to be in direct conflict with Key Statement EN2 and Policies DMG1, DMG2, DMH3 and DMH4 insofar that the proposed development would result in the introduction of an incongruous form of residential development which is overtly domestic and suburban in appearance which fails to reflect local distinctiveness, vernacular style or acknowledge the special qualities of the area or contribute or enhance its setting.
- 9.5 Contrary to the appellants claims, the proposal is located in a remote location that does not benefit from walkable access to a wide range of services or facilities, nor has the appellant provided evidence in respect of public transport frequency mentioned within the submitted statement. The appellant has further failed to demonstrate that the proposed dwelling would be for that of local needs housing (as defined within the Ribble Valley Core Strategy).
- 9.6 As such the authority considers that the proposed conversion would result in the creation of a new residential dwelling, without sufficient or adequate justification insofar that it has not been demonstrated the dwelling is for that of local needs or essential for the purposes of

agriculture. It is further considered that the proposal would result in the creation of a dwelling in a location that does not benefit from adequate walkable access to a wide range of local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statements DS1, DS2, DMI2 and Policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.

9.7 As such, and for the reasons outlined above whilst having regard to all material matters raised, that the Inspector is respectfully requested to dismiss the appeal.