

STATEMENT OF CASE

APPEAL BY Mr & Mrs A.STANWORTH AGAINST THE REFUSAL OF RIBBLE VALLEY BOROUGH COUNCIL TO GRANT PLANNING PERMISSION FOR THE EXTENSION OF AN EXISTING BUILDING TO CREATE A CATTERY AND STABLES, CONSTRUCTION OF A MANEGE, MIDDEN AND ACCESS ARRANGEMENTS. LAND TO THE REAR OF FOUR ACRES, PENDLETON RD, WISWELL, LANCS, BB7 9BZ

LOCAL AUTHORITY REFERENCE 3/2015/0571



Visual of the appeal proposal taken from the footpath to the west. This is superimposed on a photograph taken zoom to give a better illustration.

1 INTRODUCTION

1.1 The appellants, Mr and Mrs A Stanworth, are the owners of two properties, Four Acres and 1 Tithe Barn Cottages, situated on Pendleton Road in the Village of Wiswell, near Clitheroe, Lancashire. To the rear (west) of these properties is a grazing field which is also owned by the appellants. This field has been used for many years for grazing and the stabling of horses and in its north-east corner is a stable building of some 43sqm. This building was originally part of a much larger stable building but part was demolished in the mid 1990's. Evidence of this is provided by a photograph attached to this Statement.

1.2 Mrs Stanworth owns one horse but wishes to make better use of the field by adding two additional stables for livery purposes. She also wishes to create a small manege with an all-weather surface. This manege would be for use by the appellant personally and by the two livery clients. A general commercial use of this facility is not envisaged.

1.3 Following the recent closure of a nearby cattery the appellants also seek to develop part of their land as a cattery. Although on a much smaller scale than the former cattery their proposed replacement would meet a known local need and create a small number of jobs. The solution which they envisage is to extend the existing stable building to a similar size to that which existed prior to the mid 1990's. This extended building would then accommodate three stables, a ten pen cattery with ancillary uses.

1.4 On the 1st July 2015 the appellants made an application to Ribble Valley Borough Council (the Council) for permission to carry out the development as described above. After significant delay the application was refused for one reason only, as follows: "The proposed building and illuminated manege, which is elevated above the level of the land which slopes down to the west, would result in a development which is unsympathetic to the character and appearance of the countryside contrary to policies DMG1 and EN2 of the Ribble Valley Core Strategy Adopted Version."

2 THE SITE AND ITS SURROUNDINGS

2.1 The appeal site and the access route lie to the south and west of four residential properties. Four Acres is a detached house and immediately to the north-east of this dwelling is a terrace of three cottages comprising Steps Cottage and 1 and 2 Tithe Barn cottages. The appellants own Four Acres and 1 Tithe Barn Cottage.

2.2 Access to the houses is directly from Pendleton Road which is a country lane linking Wiswell to Pendleton. Access to the appeal site is via an existing track which joins Pendleton Road to the south of Four Acres. This track currently serves the appellants existing stable building and the grazing land to the west.

2.3 The appeal site is situated on the northern edge of Wiswell which is a small rural settlement with a mix of traditional and more modern development. The village is some 2km north-east of Whalley and some 4.5km due south of Clitheroe. Currently the application site is used for the stabling and grazing of one horse. The existing stable is a red brick structure of some 43sqm situated to the rear of Tithe Barn cottages but significantly screened by existing vegetation. Sloping gently away westwards from this area is a grazing field of some 1.7ha. The stable and the field are owned by the appellants. As mentioned above the existing stable was originally part of a much larger stable block as illustrated in the photograph below.



This picture shows Tithe Barn Cottages with the stables at the top of the picture. The existing stable can be seen with part of the demolished stables beyond.

2.4 The appeal site is not within an Area of Outstanding Natural Beauty (AONB) and the general character of the area surrounding it is of grazing land boarded by hedgerows which include mature trees. Although these hedges are mature they are generally in good condition and provide effective screening from more distant views of the appeal site. The hedge at the western boundary of the appellants' field abuts a public footpath. From this path intermittent views of the appeal site are possible but at a distance of some 250m the existing stable is not a dominant feature. As part of the application submitted to the Council the appellants commissioned an ecological report and tree survey and these documents accompany this appeal. These documents show that the appeal proposal will not adversely affect any important landscape feature. In addition measures to enhance, protect and improve the existing features form part of the appeal proposal.

3 RELEVANT PLANNING POLICY

3.1 The principal source of planning policy for the area is provided by the Ribble Valley Core Strategy which was adopted in December 2014. As such this document may be regarded as up-to-date and fully compliant with the National Planning Policy Framework (NPPF). The overall vision of the Core Strategy is encompassed by a number of strategic objectives of which, paragraph 3.14, supports and promotes local business opportunities. This theme is further developed in Key Statement EC1 which supports in principle developments that strengthen the wider rural and village economies. These points are relevant to this appeal because the proposal includes a small cattery and livery business which, in addition to providing a local service, will also contribute to the local rural economy.

3.2 A number of other Key Statements are relevant to this appeal. Key Statement E2: Landscape, is mainly concerned with the protection and enhancement of the Forest of Bowland AONB. The appeal site falls outside of the AONB but the policy also seeks to protect and conserve the landscape and character of the area and development should be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, features and building materials. The appeal proposal respects this policy in the choice of location, the choice of design and materials and the protection and enhancement of existing landscape features.

3.3 Key Statement EN4: Biodiversity and Geodiversity, have also been a key influence on this appeal proposal. Although not affected by any of the nominated sites of importance the appellants commissioned an arboriculture study and an ecology report to ensure the development effects are minimal and that new planting will enhance the setting. Similarly the appeal proposal, drawing on the studies mentioned above, has been designed to be in accordance with Policy DME1: Protecting Trees and Woodlands, and DME2: Landscape and Townscape Protection. Specifically, measures to protect, retain and enhance trees and hedgerows accord with these policies.

3.4 The final Core Strategy policy to be mentioned is DMG2: Strategic Considerations. This states that in Tier 2 villages (of which Wiswell is one) and outside of defined settlement areas, development must meet at least one of a number of defined criteria. These criteria include "5. The Development is for a small scale use, appropriate to a rural area where a local need or benefit can be demonstrated." The appeal scheme is for a small scale use, appropriate to a rural area, which will provide a local service and create economic benefit. As such it fully complies with policy DMG2.

4 PRE-APPLICATION ADVICE

4.1 Prior to submission of a formal application the appellants sought pre-application advice. The scheme submitted for this advice was for a significantly larger building using different materials. It also involved the demolition of the existing stable and its replacement by a new building. The advice noted that, whilst the Core Strategy was generally supportive of rural business, concerns were expressed about the cumulative impact of the development, about the materials and possible visual harm to the landscape character of the area and the amenities of neighbouring properties. Specific comments were also made by the Highways Authority, by the Countryside Officer and by the Environmental Health Officer. The subsequent application addressed the concerns expressed, notably by retaining the existing stable building thus reducing the scale and configuration of the building and by proposing the use of materials sympathetic to the area.

5 THE APPEAL PROPOSAL

5.1 The appeal proposal retains the existing stable building but with new roofing and cladding. This building would house the administration and staff facilities together with some storage and one effect of this is to increase the separation of the cattery and stables from the cottages to the east.

5.2 At the pre-application consultation stage it was envisaged that the cattery and stables would be in two separate buildings with a combined area of some 388sqm. In the appeal scheme the total combined area is some 178sqm and this has been achieved by reducing the number of cat boxes and stables. It is now proposed that there will be ten cat boxes and three stables, two for livery and one for use by the appellants. Overall this also allows for the length of the building to be reduced from

38.6m to 27.8m. The stables part of the building would also be stepped down to reduce the visual impact of the gable end when viewed from the footpath to the west. The appellants have prepared a visual displayed at the beginning of this Statement which shows how the proposed development would appear when viewed from the footpath. The positioning of the building and the choice of materials (larch boarding and slate roofing) results in a scheme which is sympathetic to the area and has minimal visual intrusion.

5.3 The other main element of the appeal proposal is the construction of a 35m by 20m manege. This would be constructed by cut and fill to produce a level surface with a medium height of 128m., surrounded by a post and rail fence. This requires a 1m retaining wall on the east side and bank of less than 1m on the west side. A native species hedge is proposed to the west side of the stable block and the manege to screen the fencing and the visual effect of any levels change. Again this is illustrated on the visual, above. Two retractable lighting posts are proposed on the east side of the manege to allow use in the early evening in winter months. Being retractable these posts would not be visible in daylight and their use in the evening could be controlled by condition. The appellants would suggest that they should not be used after 8pm.

5.4 Access to the proposed scheme would be via an existing track which links into Pendleton Road. Discussions with the Highway Authority at the application stage indicate that the sight lines must be contained within the appellants' ownership. This can be achieved and there is no objection to the proposal on highway grounds. Other elements of the scheme involve the provision of four parking spaces and a midden (muck store) to the south of the access track. Discussions at the application stage with the Environmental Health Officer looked at the size of the cat boxes and outdoor space for the cats. Measures to dispose of the cat waste and horse muck were also discussed. The outcome of these discussions was satisfactory and no objections were raised on environmental health grounds.

5.5 In designing the appeal proposal particular care was taken to protect the residential amenities of the adjacent houses. These houses are elevated above the level of the appeal site. This levels difference, the retention and enhancement of existing planting and the retention of the existing building ensure that there is no adverse effect on residential amenity.

5.6 The appellants recognise the importance of the existing trees and hedges to the character of the area. They, therefore, included an ecological study and tree survey with the application. These studies have informed the appeal proposal and involve measures to both protect and enhance existing landscape features. No objections have been raised to the measures.

6 COMMENTS ON THE REASON FOR REFUSAL

6.1 As noted above the sole reason for refusal relates to the impact on the character and appearance of the area. All other matters, for example, highways, residential amenity and environmental health issues are deemed to be acceptable. In considering their response to the reason for refusal the appellants have also had regard to the planning officer's Delegated Item File Report. This report is submitted with the appeal papers.

6.2 In the Delegated Item Report, in a section headed Principle of Development, it is concluded that there is no in principle objection to the proposal subject to consideration of a number of main

issues. Of the five main issues listed, four, namely impact on the local highway network; impact on residential amenity; flood risk implications; and the effect on trees, hedgerows and wildlife, are found to be satisfactory. The area of concern is dealt with under the heading “Character and appearance / landscape.”

6.3 In dealing with character and appearance the Delegated Item Report refers to Key Statement EN2 and Policy DMG2 of the Core Strategy. These require developments to be in keeping with the local landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials. Building design should be of a high standard sympathetic to existing and proposed land uses. The issue of building design was addressed following the pre-application consultation. The larch boarding was chosen as build of low visual impact and sympathetic to a rural area. The slate roof was chosen as being appropriate in this area and sympathetic to vernacular style. It is noted that neither the report nor the reason for refusal comment adversely on the choice of materials.

6.4 The report, whilst acknowledging that the proposed development would be screened from the adjacent houses to the east, raises concerns relating to two viewpoints; views north east from Wiswell and from the public footpath to the west. The pictures below illustrate these viewpoints.



This is the view from Taskers Croft looking north east towards the appeal site. The appeal site is obscured by existing vegetation, even in winter.



This is the view from Clarke Wood Close looking north east. The appeal site is not visible



This is the view from the existing footpath to the west of the appeal site. The cottages and Four Acres can be seen. The existing stable building can be seen but has a very low visual impact.

6.5 The photographs showing views to the north east from Wiswell were taken from the field in front of Taskers Croft and Clarke Wood Close. The location of these can be seen on the location plan which accompanies the appeal. As the photographs show the appeal site is totally obscured from these viewpoints by the existing trees and hedges. This screening would be much increased in summer and will be enhanced by the proposal to improve and enhance existing field boundaries around the appeal site. It is not, therefore, at all clear why the Delegated Item Report singles out this view as a source of objection.

6.6 The photograph showing the view from the existing footpath to the west is reproduced without zoom to give a more realistic impression of the visual impact of the site as existing. It should be noted that the existing stable building is not readily visible. The visual shown at the beginning of this report is superimposed on a zoomed photograph so that the detail of the building can be appreciated. The actual visual impact from the footpath would be much less. However, the proposed building sits comfortably against its background and the proposed materials and planting are clearly sympathetic to its setting.

6.7 The Delegated Item Report concludes that, whilst it is not unusual to see stables and a manege in a rural setting, the stables are “quite large” and the elevated, illuminated manege would change the character of the simple rural setting of the site. In fact the stable and cattery are of modest size and

fit well into their setting. The height of the manege is slightly elevated above the land to the west but lower than the land to the east. The levels difference to the west will be totally obscured by the proposed new hedge planting and will blend well into its setting. This is well illustrated by the visual of the proposal. The illumination polls will not be visible except when raised for the limited period at night when the manege is in use.

6.8 The final point raised by the report relates to the economic benefit of the proposal which is given limited weight. The appellants envisage that there will be two full time equivalent employees recruited from people living locally. The nature of the work would be suited to older employees and people who may have physical limitations as the work would be gentle and not overly physically demanding. Added to this is the benefit accruing from the cattery service which would replace the former much missed local cattery which was often oversubscribed.

7 CONCLUSIONS

7.1 It is the appellants' case that what is proposed is a modest use appropriate to a rural area. As such the proposal complies with the development plan and should be approved. From the reason for refusal and the Delegated Item Report it is clear that the only objection relates to the visual impact of the proposal. All other matters are satisfactory and do not justify a refusal.

7.2 What the appellants propose has been carefully designed to minimise any visual impact and to ensure that the proposal is sympathetic to its setting. To this end they sought pre-application advice and modified their initial ideas to comply with the advice received. In addition they commissioned both a tree survey and report and an ecological report to ensure that the local landscape was protected and to provide informed proposals to enhance the trees and hedges into the future.

7.3 The economic and service benefits accruing from the proposal have been given very little weight in this refusal. In fact the benefits in terms of jobs are very real and would assist with local employment for people who need limited hours and cannot travel to further destinations. In addition the cattery would provide a local service for which there is a known need.

7.4 The only reason for objection raised by the Council relates to the perceived visual impact which would have an adverse impact on the local landscape. In fact, as this Statement illustrates and which will be confirmed by a site visit, the visual impact is very limited. The suggested views north east from Wiswell are totally screened by existing trees and hedges. The site will be visible from the footpath to the west but at a distance of some 250m and the presence of existing planting along this boundary, the appeal proposal will not be visually intrusive and will not detract from the character of the landscape. The proposal also includes new hedge planting to the west of the building and manege. This planting will help to soften views of the proposal and help to integrate it into the background. Also the proposal envisages the enhancement and improvement of existing hedges including that adjacent to the footpath. If this was done the appeal site could be totally screened from the footpath. Details of these enhancement measures could be made the subject of a Condition so that agreed measures were implemented.

7.5 What is proposed is a modest scheme for uses appropriate to this location on a site which has historically been used for stabling purposes. The reason for refusal exaggerates the visual impact and takes no account of measures which can be easily implemented to ensure that the proposal is fully

integrated into its setting. In these circumstances the appeal should be allowed and planning permission granted for the appeal proposal.

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