

**PLANNING APPLICATION**

**TO**

**RIBBLE VALLEY BOROUGH COUNCIL**

**BY**

**MR C GARTH JONES**

**FOR**

**DELETION OF CONDITION 5 OF PLANNING PERMISSION  
03/2010/0070 RELATING TO AN OCCUPANCY RESTRICTION  
FOR DWELLINGS**

**AT**

**HALSTEADS FARM, RIMINGTON LANE,  
RIMINGTON, LANCASHIRE**

**PLANNING STATEMENT**

**August 2013**

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## 1. INTRODUCTION

1.1 This Planning Statement is in support of a planning application submitted by Mr C Garth-Jones for the deletion of condition 5 of planning permission 3/2010/0070 relating to an occupancy restriction for dwellings at Halsteads Farm, Rimington Lane, Rimington. The 2010 planning permission, dated 30 April 2010, provides for the demolition of agricultural buildings and construction of two holiday cottages, a new access and turning space. The decision notice is reproduced at Appendix A. Condition 5 reads as follows:

*The units of accommodation shall not be let to or occupied by any one person or group of persons for a continuous period of longer than 3 months in any one year and in any event shall not be used as a permanent accommodation. A register of such lettings shall be kept and made available to the Local Planning Authority to inspect on an annual basis.*

*Reason: In order to comply with Policies G1, G5, ENV3 and RT1 of the Ribble Valley Districtwide Local Plan. The building is located in an area where the Local Planning Authority would not normally be minded to grant the use of building for a permanent residential accommodation.*

1.2 The development commenced in early 2012. The structure is now complete, the access drive has been formed and only fitting out works to the building remain. No physical alterations to the building or its curtilage / access are proposed or would be required.

1.3 With the continuing difficult economic conditions the applicant has been forced to review the original project. It is noted that there has been a marked increase in the supply of holiday let accommodation in Ribble Valley over the past decade and general decline in holiday cottage occupancy rates. As such, the applicant now considers that his intended business would not be viable, could not be sustained and the approved development will not be progressed any further. Accordingly, the applicant has had to consider other options. Given that both holiday accommodation and permanent residential accommodation fall within the same C3 use class (*Moore vs Secretary of State for the Environment and New Forest District*

*Council 1998), the most obvious option is to seek removal of the control on occupancy as provided by Condition 5.*

### **3. APPLICATION SITE AND SURROUNDINGS**

3.1 Halsteads Farm comprises of a group of buildings located on the eastern edge of the settlement of Rimington. It includes a grade II listed farmhouse, detached garage and store building, yard, and garden areas. Alongside the farmhouse stood utilitarian outbuildings which have been demolished to allow for the implementation of planning permission 3/2010/0070.

3.2 The application site is bounded to the north west by Rimington Lane, from which access is taken, to the north east by open countryside, to the south west by Halsteads Farm, beyond which are other dwellings on the fringe of Rimington.

3.3 More generally, Rimington is a village with a mix of housing, including traditional stone dwellings of varied scale and modern housing development with a more suburban character. There is a pub, a shop and a mobile library service in Rimington. More extensive shopping, community services and workplaces are available at Chatburn (4.0km to the south west) and Gisburn (3.5km to the north east), including primary schools. A still more extensive range of services and facilities are available at Clitheroe (7.5km to the south west), including secondary schools, food supermarkets, comparison stores and a public transport hub. Bus services from Rimington provide direct connections to Clitheroe, Chatburn, Barrowford and Nelson. Secondary school transport services also serve Rimington.

### **4. PLANNING HISTORY**

4.1 The relevant planning history relating to the site is as follows:

- 3/2008/0667 – demolition of agricultural buildings and the construction of two holiday cottages and the construction of a detached garage. Appeal allowed 9 July 2009; and
- 3/2010/0070 - demolition of agricultural buildings and the construction of two holiday cottages and construction of new access and turning space. Planning permission granted 30 April 2010.

## **5. THE DEVELOPMENT PLAN**

5.1 The relevant part of the Development Plan for the purposes of this application is the Ribble Valley Local Plan (adopted in June 1998).

Ribble Valley Local Plan

5.2 The following saved policies of the adopted Ribble Valley Local Plan (which was adopted in June 1998 and written to plan for development over the period 1991-2006) are relevant to the proposal.

5.3 Policy G1: Development Control – all development proposals will be expected to provide a high standard of building design and landscape quality. The various detailed criteria to be applied in deciding planning applications are set out in the policy.

5.4 Policy G4: Settlement Strategy – within specified villages (including Rimington) planning permission will be granted for proposals falling within certain categories.

5.5 Policy G5: Settlement Strategy – outside the main settlements and village boundaries planning consent will only be granted for small scale developments which fall within specified categories, including sites to be developed for local needs housing.

5.6 Policy ENV3: Open Countryside – in the open countryside and immediately adjacent development will be required to be in keeping with the character of the landscape area and should reflect local vernacular, scale, style, features and materials.

5.7 Policy ENV19: Listed Buildings – development proposals within the setting of listed buildings which cause visual harm to the setting will be resisted.

5.8 Policy T1: Transport – a list is provided of criteria to which the Council will attach weight in deciding planning applications.

- 5.9 Policy T7: Parking Provision – requires all development proposals to provide adequate car parking and servicing space.
- 5.10 Policy RT1: Recreation and Tourism – states that the Council will approve proposals which extend the range of tourism and visitor facilities, subject to various criteria.
- 5.11 Policy H2: Dwellings in the Countryside – provides for the appropriate conversion of buildings to dwellings subject to various criteria.
- 5.12 Policy H15: Location of the Building to be Converted – planning permission will be granted for the conversion of buildings to dwellings subject to various criteria.
- 5.13 Policy H16: The Building to be Converted - conversion of buildings to dwellings will be granted provided various criteria are met.
- 5.14 Policy H17: Design Matters - conversion of buildings to dwellings will be granted provided various criteria are met
- 5.15 Policy H23: Removal of Holiday Let Conditions – proposals will be refused unless it conforms to the normal development control policies of the Local Plan. Policies G5, H2, H15, H16 and H17 are cited as being particularly relevant.
- 5.16 The Local Plan Proposals Map identifies the development site as within an area of open countryside (Policy G5 and ENV3).

## **6. THE NATIONAL PLANNING POLICY FRAMEWORK**

- 6.1 The relevant policies and provisions of the national Planning Policy Framework (NPPF), published in March 2012, are identified below.
- 6.2 The NPPF clearly states '*that the purpose of the planning system is to contribute to the achievement of sustainable development*' (paragraph 6). Paragraph 197 confirms that '*in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development*'.

Paragraph 14 states that a presumption in favour of sustainable development is at the heart of the NPPF. It goes on to say that '*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 planning permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*

6.3 At paragraph 7, the three dimensions of sustainable development (economic, social and environmental) are outlined. An elaboration of the Government's view of what sustainable development means in practice for the planning system is detailed later in the NPPF. Relevant parts are referred to at paragraph 6.7 below.

6.4 The NPPF (paragraphs 2, 11, 12 and 196) confirms that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise, ie the development plan is the starting point for decision making.

6.5 The NPPF, published in March 2012, highlights the importance of development plans being kept up to date (paragraph 12). Decision taking in the absence of an up to date development plan is addressed at paragraph 14 (see 6.2 above). At paragraph 214 it is confirmed that '*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 degree of conflict with this Framework*'. Paragraph 215 continues by stating that '*in other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to the degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given)*'. Paragraph 49 provides further guidance on the matter. It states '*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’.*

6.6 Paragraphs 2, 8, 13, 196 and 212 confirm that the NPPF is a material consideration in planning decisions.

6.7 The main body of the NPPF addresses the components of sustainable development. Those most relevant to the application are:

- ‘promoting sustainable transport’ – decisions should take account of whether safe and suitable access to the site can be achieved for all people and development should only be refused where the residual impacts of development are severe (paragraph 32);
- ‘delivering a wide choice of high quality homes’ – local planning authorities are expected to boost the supply of housing (paragraph 47). In this regard, local planning authorities should *‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements’*. Paragraph 47 goes on to require an additional ‘buffer’ of 5% to ensure choice and competition in the market for land. Local planning authorities should increase the ‘buffer’ to 20% where there has been a record of persistent under delivery of housing. Paragraph 55 states that new isolated homes in the countryside should be avoided unless there are special circumstances such as re-using a redundant or dis-used building and lead to an enhancement in the immediate setting;
- ‘requiring good design’ – developments should add to the quality of the area, and reinforce local distinctiveness;
- ‘meeting the challenge of climate change, flooding and coastal change’ – it is expected that *‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk’* (paragraph 100) and that *‘when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’* (paragraph 103);
- ‘conserving and enhancing the natural environment’ – in deciding planning applications local planning authorities should aim to conserve and enhance

biodiversity by applying various principles including resisting development resulting in the loss or deterioration of irreplaceable habitats (paragraph 118; and

- ‘conserving and enhancing the historic environment’ – the significance of any heritage asset that may be affected by a proposal should be identified and assessed. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset (paragraph 128).

## **7. EMERGING LOCAL DEVELOPMENT FRAMEWORK**

### Ribble Valley Borough Council Core Strategy

7.1 In summary, the Core Strategy is currently at the submission stage. However, the Inspector appointed to examine the soundness of the Core Strategy has highlighted the need for evidence documents to be updated. The Council subsequently requested a suspension of the examination process. By letter dated 9 January 2013, the Inspector agreed to suspend the examination until July 2013. By a further letter dated 3 July 2013, the Inspector agreed to suspend the examination until 1 September 2013.

7.2 The Council has been engaged in a process of evidence gathering and consultation in connection with the formulation of its Core Strategy since the mid 2000s.

7.3 The optional strategies for the distribution of housing development as included in the August 2010 Core Strategy consultation document made provision for housing within the Borough’s villages (ie including Rimington) of between 300 and 900 dwellings. In turn, the additional options included in the July / August 2011 consultation made provision for either non-specified numbers of dwellings in the villages or 310 and 620 dwellings.

7.4 A publication draft of the Core Strategy was approved by the Council’s Planning and Development Committee at its meeting on 4 April 2012. The document was published for consultation in May / June 2012. An updated document was subsequently submitted in October 2012.

7.5 The following policies of the submitted Core Strategy are relevant to consideration of the proposal – DS1 (Development Strategy), DS2 (Presumption in Favour of Sustainable Development), EN3 (Sustainable Development and Climate Change), EN5 (Heritage Assets), H1 (Housing Provision), DMI2 (Transport Considerations), DME4 (Protecting Heritage Assets), DMG1 (General Considerations), DMG2 (Strategic Considerations), and DMH3 (Dwellings in the Open countryside and AONB).

7.6 Policy DS1 provides for development in all the borough's settlements, including small-scale development in the smaller settlements that are appropriate for consolidation and expansion or rounding-off of the built up area.

7.7 Policy DS2 reflects the central theme of sustainable development within the NPPF.

7.8 Policy H1 provides for 200 dwellings per year. That is, 2534 dwellings over the plan period to 2028, additional to those dwellings for which planning permission had been granted at 1 July 2012. The planned distribution for those dwellings is as follows:

- Standen Strategic Site (edge of Clitheroe) – 1040;
- Clitheroe – 126;
- Longridge – 558;
- Whalley – 227; and
- Other settlements (ie including Rimington - as specified in the proposed main modifications approved by the Planning and Development committee at its meeting on 27 June 2013) – 583.

7.9 Policy DMG2 provides the general policy context. It states that development proposals in defined settlements (which would include Rimington) should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.

7.10 Policy DMH3 states that the creation of a permanent dwelling by removal of a holiday cottage condition will be refused on the basis of unsustainability.

7.11 The other submitted Core Strategy development management statements and policies identified at 7.5 above generally re-affirm those identified as relevant in the Local Plan.

7.12 Evidence relating to housing requirements for the Borough has been updated since suspension of the Core Strategy examination. The outcome of the further evidence work was reported to the Planning and Development Committee at its meeting on 25 June 2013. The Committee accepted the recommendation that further Core Strategy work be based on a housing requirement of 250 dwellings per year. The further work to apply this requirement to the planned distribution of housing across the Borough has yet to be published, but can be expected to increase the figures previously proposed and summarised at 7.8 above.

## **8. LOCAL DEVELOPMENT FRAMEWORK EVIDENCE DOCUMENTS AND OTHER RELEVANT POLICY DOCUMENTS / INFORMATION**

### Ribble Valley Borough Council Strategic Housing Market Assessment

8.1 The Council's Strategic Housing Market Assessment (SHMA) was published in December 2008. It concluded that Ribble Valley has high levels of owner-occupation, with considerable numbers of large detached houses and a relatively small social housing stock. The Borough's population is growing and average household sizes continue to shrink. More housing needs to be constructed. In short, the SHMA points to a need to increase the supply of housing.

### Ribble Valley Borough Council Annual Monitoring Report

8.2 The Council's Annual Monitoring Report (AMR) 2011 provides a statement on the 5 year supply of housing land based on RSS figures, to 31 March 2011. It indicates that the total supply of dwellings under construction and deliverable permissions (discounted by 10% slippage allowance) to be 555. When compared to the then RSS / Ribble Valley annual provision requirement of 161 units, the figure equated to 2.9 years' supply.

### Housing Land Supply

8.3 There has been a longstanding recorded shortage of housing land within the Borough. The most recently published update (monitoring to 31 December 2012, published April 2013) to the Borough's housing land supply shows a total supply of 1639 units, equating to a 5.92 years' supply based on a Core Strategy provision level of 200 dwellings per year. However, the calculations do not take proper account of deliverability considerations and the need to make up the deficit in delivery over the years since 2008. In addition, the assessed annual housing requirement has been increased from 200 to 250. The monitoring information shows there to be a residual housing requirement (when account is taken of completions / permissions) for 'other settlements' (ie including Rimington) of 474 dwellings, based on Core Strategy housing provision levels.

## **11. PLANNING ASSESSMENT**

11.1 The building, the subject of this application, has already been granted planning permission (3/2010/0070) as two holiday cottages (replacing former outbuildings at Halsteads Farm) in a manner that is in keeping with its surroundings in terms of form, bulk and general design. As such, the residential use (Use Class C3) of the property has already been established, albeit restricted by the terms of condition 5. No physical alterations to the property or its environs are proposed or required to facilitate the property's permanent residential occupation. Indeed, the property has all the facilities required for day to day living, whether it is used as a holiday cottage or as a permanent dwelling. Accordingly, the main issue relates to the principle of the proposed development. However, other issues are also considered for completeness.

11.2 Having regard to the nature of the proposal, its context, relevant national and local planning policies, the planning issues for consideration, are as follows:

- the principle of the development in relation to the Local Plan, the Core Strategy and the NPPF;
- highway safety;
- layout, design and landscape impact;

- neighbour amenity;
- flood risk and drainage;
- nature conservation; and
- heritage.

Each of these issues is addressed in turn below.

#### Principle – Local Plan

11.3 The provisions of Local Plan Policy H23 allow for the removal of holiday let conditions where the proposal conforms to various development control policies of the Plan. Policies G5, H2, H15, H16 and H17 are, in particular, cited. In effect, the policy indicates that a proposal to remove a holiday let condition should be regarded as ‘tantamount to a conversion of a rural building’. Criteria derived from each of these policies and other relevant Local Plan policies are assessed below. Policies of the emerging Core Strategy policies and the NPPF are considered in later sub-sections.

11.4 The building is located in an area identified as ‘open countryside’ on the Local Plan Proposals Map. However, neither Local Plan policy nor the precedent of other cases indicates this to be a bar for the conversion of an existing building to permanent residential accommodation. Rather, policy allows for such conversion, subject to consideration of various criteria. All of these criteria are examined in this Statement.

11.5 The holiday let accommodation is contained within a building that stands alongside Halsteads farmhouse, replacing former outbuildings, and within an established group of buildings. The established nature of the group of buildings is reinforced by the wider linear group of buildings (including Halsteads Cottage, Dormers and Susie Cottage) that extend west from Halsteads Farm along Rimington Lane, visually linking Halsteads Farm to Rimington Village. Quite simply, the building in question is not a single isolated building in an open rural landscape, such as a field barn.

11.6 Having said that, policy does not preclude the conversion of isolated barns. Rather, it points to an appropriate assessment of impacts. The supporting text to Policy H15 states that problems can arise “*where isolated buildings in the landscape such as*

*barns are proposed for conversion. The local landscape can be damaged and a degree of urbanisation imposed upon an otherwise wholly rural view*". Such impacts would simply not result in this instance as the building works have already been permitted and undertaken. No further physical works or alterations to the building or its environs are proposed or required. Thus, no impact upon or detriment to landscape character would arise.

11.7 Other criteria referred to in Policy H15 and its supporting text have also to be considered, whilst having regard to the fact that the building has already been permitted. They are, in turn, below:

- (i) and 5.13.7 – there would be no requirement for expenditure by public authorities or utilities on the provision of infrastructure. Nor, would the provision of other public services such as refuse collection, postal services and the school bus (as listed at 5.13.7) result in any additional expense as these services are already provided to Halsteads Farm, other nearby properties and those in Rimington. It should also be noted that service buses provide direct connections to Clitheroe, Chatburn, Barrowford and Nelson with linking bus and train services to other towns;
- (ii) - there would be no damaging effect on the landscape, as no physical development is proposed. The building works already carried out are in keeping with the character of the landscape and reflect local vernacular;
- (iii) - there would be no harm to nature conservation interests. The property is located outside of any site with a nature conservation designation and no protected species would be affected by the proposal;
- (iv) - there would be no detrimental effect on the rural economy. Indeed, bringing the property into a productive and beneficial use would be beneficial to the rural economy;
- (v) and 5.13.6 –the appeal property lies outside the AONB and the appeal proposal would have no impact on its natural beauty.

11.8 Compliance with other policies listed at paragraph 11.3 above is considered below.

11.9 With regards to policy G5, which relates to proposals outside of the Local Plan main settlements and village boundaries (as is the case with the application property), the

proposal falls within class v). That is, a small scale use appropriate to a rural area, conforming to other policies of the Plan.

11.10 With regards to policy H2, which relates to proposals for dwellings outside of the Local Plan main settlements and village boundaries (as is the case with the application property) the proposal falls within class 2 (conversion of buildings to dwellings) and satisfies the criteria listed at the end of the policy (which cross refer to other policies also assessed in this Statement).

11.11 With regards to policy H16, which relates to the conversion of buildings to dwellings, the proposal satisfies all the criteria listed. In particular:

- the building has recently been built. As such, it has been built to current building standards and, with completion of fitting out works, would be ready for permanent residential occupation with no change to its character or appearance;
- the building is of sufficient size for permanent residential accommodation without the need for any extension or alteration;
- the building is of stone and slate construction, in keeping with the character of its surroundings; and
- the building is not one erected under permitted development rights.

11.12 With regards to policy H17, which relates to design matters arising in the conversion of buildings, the proposal satisfies all the criteria listed. In particular:

- the building is of a high design standard, in keeping with the character of its surroundings and requires no physical alterations;
- the proposal requires no change to garden, car parking etc areas and, thus, no harm to the appearance of the area; and
- the access to the site is as previously approved and is to a suitable and safe standard.

11.13 Policy H23, which relates to the removal of holiday let conditions, simply cross-references to the policies already considered and the criteria previously assessed.

11.14 Should the proposal's compliance with the above Local Plan policy for conversion of rural buildings not be accepted, consideration should alternatively be given to compliance with the wider Local Plan development strategy. This is particularly pertinent as the Local Plan definition of settlement boundaries and countryside areas can not be regarded as 'up to date' and, therefore, should not be given any significant weight in deciding the application. The reasons for this are:

- a report to the Council's Planning and Development Committee on 17 June 2010 acknowledged that there is '*very limited capacity (for development and growth) within existing tightly drawn settlement boundaries and (there are) no further (Local Plan) allocations of housing land in particular to be brought forward*';
- circumstances have changed considerably since preparation of the Local Plan. The Local Plan was prepared in the context of the then current Lancashire Structure Plan (1991-2006). That document has since been superseded by the Lancashire Structure Plan Review (2001-2016) and, in turn, by the (now revoked) RSS adopted in 2008, which provided for higher levels of housing growth in the Borough;
- the lack of a five year supply of housing land. The Council claims a 5.92 year supply (see paragraph 8.3 above). However, an examination of the housing land supply calculation reveals that in the first 4½ years of the plan period there to be a considerable deficit in delivery. An annual requirement of 200 dwellings should have yielded 950 dwellings to the end of 2012, but only 481 had been delivered. The Council apparently plans to make up the deficit over the rest of the plan period, ie to 2028, instead of including the deficit in the requirement for the following five years, ie to 2018. If the deficit is made up over the next five years, which is the correct approach based on appeal decisions, the five year supply falls from 5.92 years (as claimed) to 4.64 years. In addition, the Council has failed to undertake an assessment of the deliverability of sites it has included in the housing land supply calculations. Rather, with the exception of two sites, the Council has simply claimed a 10% slippage allowance. This is not in accord with the NPPF and consequently the Council's housing land supply figures are unreliable; and
- on the basis of latest evidence, and for the purposes of its Core Strategy, the Council has adopted a still higher housing provision figure (250 dwellings per

year) than the 160 within the (now revoked) RSS and the 200 dwellings per year previously regarded as the Borough's annual housing requirement.

Applying this higher 250 figure would reduce the housing land supply significantly below the Council's calculations and that estimated above.

11.15 So, rather than considering whether the site lies within or outside of the 'out-of-date' settlement boundary, the appropriate planning test is compliance with the overall Local Plan development strategy. The Local Plan sets out a hierarchy of settlements. Policy G4 provides for development at villages such as Rimington, including by way of conversion. It is clear that the nature, small scale and the general location of the proposal (ie well related to the settlement of Rimington) accords with the overall development / settlement strategy for the Borough as set out in the Local Plan.

11.16 To conclude, Local Plan policy allows for the conversion of an existing building to permanent residential accommodation / the removal of holiday let occupancy restrictions, subject to consideration of various criteria. The building is shown to stand within a 'defined group' and, most importantly, removal of the condition as proposed would cause no harm to landscape quality. In addition, all other policy tests are met. The proposed use of the property would result in no additional expenditure by public authorities or utility undertakers on the provision of infrastructure or other services. The proposal would cause no harm to nature conservation interests or have a detrimental effect on the rural economy. Having regard to these considerations, planning permission should be granted. In any event, the settlement boundaries as set out in the Local Plan can no longer be regarded as 'up-to-date' for reasons accepted by the Council in consideration of other applications. The application building is well related to the settlement of Rimington and the proposal's nature / scale is compliant with the overall development strategy as set out in the Local Plan.

#### Principle – Emerging Core Strategy

11.17 The emerging Core Strategy development management statements and policies generally re-affirm the considerations identified as relevant from the Local Plan policies. Indeed, Policies DMH3 and DMH4 specifically allows for the conversion of

a rural building provided it is suitably located and not isolated in the landscape. It has already been demonstrated that these considerations are satisfied. However:

- Policy DMH3 also states that the creation of a permanent dwelling by the removal of a holiday let condition will be refused on the basis of unsustainability. No specific justification or explanation is provided, beyond the general statement that protection of open countryside from sporadic or visually harmful development is seen as a high priority to deliver sustainable patterns of development. It is demonstrated elsewhere in this Statement that the proposal involves no physical alterations to the approved scheme and, as such, there would be no harmful landscape impact; and
- Policy DMH4 supporting text states that the creation of a permanent dwelling by the removal of a holiday let condition will be refused unless it can be demonstrated that the unit will meet a local affordable housing need. The statement does not amplify the policy which makes no reference to such, nor is any justification provided for this stance.

Clearly, these two aspects of emerging Core Strategy policy are inconsistent. For this reason, and given the Core Strategy policies have yet to be subject to an independent examination, these aspects of the policies can not be regarded as having any real material weight in deciding the planning application. Indeed, in evidence at public inquiry, the Council has accepted that at this pre-examination stage the Core Strategy should be afforded only limited weight.

11.18 In any event, it is significant to note that the proposal is consistent with the emerging Core Strategy in respect of the spatial distribution of housing development, as detailed at paragraph 7.8 above. This envisages 583 dwellings in 'other settlements' (of which there are 32 listed in the Local Plan at Policy G4). Rimington is one of those 'other settlements'. As such, and whilst no Site Allocations DPD has yet been prepared (or in prospect), it is reasonable to expect that Rimington would and should attract some housing development / growth in housing numbers. Indeed, Core Strategy Policy DMG2 allows for development proposals at defined settlements (which would include Rimington) that would consolidate, expand or round-off development so that it is closely related to the built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement. The proposal accords with that policy provision. In addition, it

should be noted that the proposal is of insufficient scale to in any way be considered premature or prejudicial to the emerging Core Strategy or, indeed, any future Site Allocations DPD.

Principle – NPPF

11.19 Against this background, it is also appropriate to consider the provisions of the NPPF. In particular, the presumption in favour of sustainable development, and the statements at paragraphs 14 and 55.

11.20 The proposal, by its very nature utilising an existing structure, is inherently sustainable. Furthermore, the property is not in an isolated rural location. Rather, the property lies close to the eastern end of the linear form of Rimington within easy walking distance. Indeed, the site is no less conveniently located than the recently approved scheme for four new-build dwellings at Rimington (planning permission 3/2013/0416, granted on 18 July 2013). Indeed, the access into that development site is situated on the opposite side of Rimington Lane to Halsteads Farm.

11.21 There are clear benefits associated with the proposal, as summarised below:

- economic – the development would contribute to economic growth, during the remaining fitting-out development phase and through the introduction of new households to the area;
- social – the proposal would contribute to the provision of housing, for which there is a need, and the continued vitality of Rimington; and
- environmental – the proposal provides the opportunity to add to the supply of new housing through the use of an existing structure and without the development of greenfield land or any impacts on environmental interests, including landscape and biodiversity.

11.22 It has already been demonstrated that there are no adverse impacts arising from the development. Accordingly, the requirements of paragraph 14 would be met in that any adverse impacts of granting planning permission (of which there are none) do not significantly or demonstrably outweigh the benefits of the development as described above.

11.23 Turning to paragraph 55, the development would not form new isolated homes in the countryside. Rather, the proposal relates to a building within an established group that is close to and visually and functionally well related to Rimington. In any event, the proposal would utilise a presently unused building and achieve an enhancement to its immediate setting.

#### Highway Safety

11.24 The traffic generated by the proposed development would be low, comparable to that of the permitted development, and have no detrimental impact on the conditions, operation or safety of the local highway network in the vicinity of the site. The access onto Rimington Lane, which is subject to a 30mph speed limit, has recently been constructed to modern day standards in accordance with the previously approved layout.

#### Layout, Design and Landscape Impact

11.25 As previously confirmed, the completed development would be exactly as per the previously approved scheme. No physical alterations to the property or its environs are proposed or required to facilitate the property's permanent residential occupation. As such, the form, bulk and design of the scheme would not change and there would be no additional landscape impact.

#### Neighbour Amenity

11.26 The proposal would remain physically unchanged from the previously approved scheme. There would be no discernible change in external impacts, and thus neighbour amenities, as a result of the property's permanent residential occupation compared to the approved holiday cottage use.

#### Flood Risk and Drainage

11.27 The site lies within the Environment Agency Flood Risk Zone 1 (a less than 1 in 1,000 annual probability of river or sea flooding). That is, within an area of low flood risk to which NPPF expects development to be directed (see paragraph 6.7 above).

### Nature Conservation

11.28 The site is not designated as one having any wildlife / ecological value or significance or subject to any designation, either at the local or national level. In any event, no further physical development is proposed. The permanent residential occupation of the property, compared to the permitted holiday cottage use, would have no implications for nature conservation / ecological / wildlife interests.

### Heritage

11.29- Whilst the application property is adjacent to a listed building, no further physical development is proposed. The permanent residential occupation of the property, compared to the permitted holiday cottage use, would have no implications for heritage interests.

## **12. SUMMARY AND CONCLUSION**

12.1 The proposal is to delete condition 5 of planning permission 3/2010/0070 to allow the two permitted holiday cottages to be used for permanent residential accommodation. The building structure is complete and only fitting out works to the building remain. No physical alterations to the building or its curtilage / access are proposed or required to facilitate permanent residential accommodation.

12.2 The building to which the application relates forms part of an established group of buildings at Halsteads Farm. In turn, this group forms part of a wider linear group of buildings at the western end of and visually and functionally related to Rimington.

12.3 Local Plan policies allow for the conversion of an existing building to permanent residential accommodation / the removal of holiday let occupancy restrictions, subject to consideration of various criteria. All such criteria have been examined and the proposal found to be fully compliant. In the event that this is not a view shared by the Council, consideration should also be given to compliance with the Local Plan's overall development strategy (given that the specific settlement boundaries can no longer be regarded as 'up-to-date' for the reasons set out in this Statement and accepted by the Council in other cases). The application building is well related to the settlement of Rimington and the nature / scale of the proposal is shown to be compliant with the overall Local Plan development strategy.

- 12.4 The proposal is similarly consistent with the emerging Core Strategy. It envisages the delivery of a minimum of 583 dwellings in ‘other settlements’, including Rimington. The proposal would assist with the delivery of those dwellings without the need for development of greenfield land.
- 12.5 With regards to the NPPF, the proposal would not form a new isolated home in the countryside with which paragraph 55 is concerned. Rather, the proposal relates to an existing building within an established group that is visually and functionally well related to Rimington. In any event, the proposal would utilise a presently unused building and achieve an enhancement to its immediate setting. Clear economic, social and environmental benefits associated with the proposal have been identified. The requirements of paragraph 14 would be met in that any adverse impacts of granting planning permission (of which none have been identified) do not significantly or demonstrably outweigh the benefits of the development.
- 12.6 The proposal would involve no physical change from the approved development to the property or its environs. As such, there would be no adverse implications for landscape character, heritage, highway safety, nature conservation or neighbour amenity considerations.
- 12.7 Accordingly, the proposal is shown to be compliant with Local Plan, emerging Core Strategy and NPPF policy. For the reasons set out above, the Council is respectfully requested to grant planning permission for the deletion of condition 5 of planning permission 03/2010/0070.

### **13. APPENDIX**

- 13.1 Appendix A: Planning permission decision notice, reference 03/2010/0070.