

Land adjacent to 4a Wiswell Lane, Whalley, BB7 9AF

Appeal against the refusal of a full application (reference: 3/2024/0851)
Retrospective planning application for the retention of a single dwelling house and associated parking, soft and hard landscaping and associated works.

STATEMENT OF CASE
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REPORT CONTROL

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/1 INTRODUCTION

- 1.1. PWA Planning is retained by Mr John Atherton ('the Appellant') to lodge an appeal against the refusal by Ribble Valley Borough Council ('the LPA') of planning application ref. 3/2024/0851 which sought retrospective full planning permission for the retention of a single dwelling house and associated parking, soft and hard landscaping and associated works at Land adjacent to 4a Wiswell Lane, Whalley, BB7 9AF (the site).
- 1.2. The application for retrospective planning permission was validated by the LPA on the 31st October 2024 and was accompanied by appropriate plans and supporting information. Following planning committee on the 9th January 2025, planning permission was refused on the 10th January 2025. The decision notice contained two reasons for refusal, these are as follows:
 1. *The proposal results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that the dwelling, by virtue of its external appearance and site configuration, which fails to respond positively to the inherent pattern of development or character of nearby dwellings found in the vicinity, results in significant measurable adverse impacts upon the character and visual amenities of the area.*
 2. *The proposal is considered to conflict with the requirements of Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy insofar that it has not been adequately demonstrated that the existing access and internal access track can accommodate further cumulative vehicular movements without resulting in detriment to the safe operation of the immediate highway.*
- 1.3. A copy of the Decision Notice (Appendix A) and the Officer's Committee Report (Appendix B) are provided as part of the appendices supporting this Statement of Case.
- 1.4. This planning appeal is submitted in conjunction with an appeal against an enforcement notice issued by the LPA on the 3rd April 2025 for the same development within this appeal.

1.5. This Statement of Case is provided in support of the appeal being made under Section 78 of the Town and Country Planning Act 1990 and has been prepared in accordance with the latest Procedural Guide¹.

¹ Procedural Guide: Planning appeals – England - GOV.UK (www.gov.uk)

/2 PROPOSED DEVELOPMENT AND SITE CONTEXT

Proposed Development

- 2.1. This appeal seeks retrospective planning permission for the retention of a single dwelling house and associated parking, soft and hard landscaping on the land adjacent to 4a Wiswell Lane.
- 2.2. The dwelling as now built out has a scandic appearance and is constructed predominantly from a high-quality timber, with a black corrugated metal roof. The glazed windows and doors are surrounded by black UPVC. Overall, the building has the following dimensions:
 - Length: 14.7m
 - Width: 6.2m
 - Height to eaves: 2.9m
 - Height to Roof ridge: 4.3m
 - Total Gross Internal Area in sqm: 91.1sqm
- 2.3. Internally, the floorplan comprises an open plan kitchen and living area, two bedrooms and 1 bathroom and a study. The living area opens up onto the external decked area which includes seating and areas to socialise. Directly to the east of the site lies a small pond which has been created by the applicant and acts both as a visually appealing feature and an attractor of biodiversity. Areas of soft landscaping grassland sit adjacent to the seating area and pond. Two parking spaces are located to the east of the building, with an existing access to the west joining onto Wiswell Lane.

Site Context

- 2.4. The appeal site, which measures approximately 0.05ha, is located on a parcel of land accessed off a secondary road from Wiswell Lane (located to the northwest of the site). The site comprises a single storey dwelling with associated garden and hardstanding used for parking.



Figure 1 - Aerial view of the site, outlined in red (Source: Google Maps)

- 2.5. The site sits adjacent to two existing residential properties to the west (4a and 4 Wiswell Lane) and areas of hardstanding (in the applicant's ownership) to the south. Also, to the southeast lies a site (4b Wiswell Lane) where planning permission (Ref:3/2020/006) was granted for a single storey dwelling. The construction of this dwelling is currently ongoing. Directly to the north and west of the site lie gardens associated with residential properties. Overall, in contextual terms, the site is located within a residential area.
- 2.6. The site is accessed from a secondary access road to the west, which then links up to Wiswell Lane. This secondary access is also used by 5 other properties (see Transport Note). The closest bus stops are located 300m away on Clitheroe Road and provide services in both directions. Circa 500m to the southwest of the site lies the centre of Whalley village which includes a number of shops and amenities, whilst 5km to the north sits the larger Clitheroe town centre. Both these settlements have train stations connecting them to the larger towns of Blackburn and Burnley and the cities of Preston and Manchester.
- 2.7. The site is not located within a Conservation Area, nor are there any statutory or locally listed buildings located within or adjacent to the site.
- 2.8. There are no ecological constraints associated with the site itself. The site is not within an area identified by the Environment Agency's flood risk map as being subject to flooding; located wholly within Flood Zone 1.

Planning History

- 2.9. Following a review of the LPA's online Planning search tool, it is considered that the below planning records are relevant to the site:

4 Wiswell Lane

- **3/2006/0570** - Creation of attached granny annex accommodation and slight adjustment to residential curtilage (Approved October 2006)
- **3/2013/0150** - Application to remove condition no. 3 (occupancy) of planning permission 3/2006/0570P to allow greater flexibility of use. (Approved March 2013)
- **3/2017/0556** - Application for a lawful development certificate to cover for a change of use of land to residential use. (Approved September 2017)
- **3/2017/1159** - Erection of a rear single-storey garden room extension and dormer window loft conversion with new front porch and dormer windows. (Approved January 2018)

4a Wiswell Lane

- **3/2018/0028** - Proposed alterations and extension to existing property and erection of a detached garage. Erection of two four-bed detached dwellings with detached double garages. (Withdrawn)
- **3/2018/1017** - Proposed alterations and extension to existing property and erection of a detached garage. Erection of two four-bed detached dwellings with detached double garages. Resubmission of planning application 3/2018/0028. (Refused February 2019)
- **3/2020/0006** - Proposed extension and erection of new single storey dwelling to replace existing residential caravan. (Approved March 2020)
- **3/2020/1044** - Proposed extension and erection of new single storey dwelling to replace existing residential caravan. (Withdrawn)

4b Wiswell Lane

- **3/2021/0991** - Revisions to the proposed single storey dwelling of the previously approved application (3/2020/0006), amendments include roof overhang to south facing terrace/walkway and west facing patio. Internal reconfigurations, inclusion of study, amendment to entrance lobby, additional rooflight to living room, solar panels located on the roof and inclusion of air source heat recovery system. The application

boundary has been revised to exclude the existing bungalow. The proposal also includes the construction of one double garage (Approved November 2021)

- **3/2023/0180** - Erection of single storey dwelling with solar panels on the roof and air source heat system together with landscaped (patio) areas (amendments to planning permission 3/2021/0991). (Refused May 2023)

Land adjacent to 4a Wiswell Lane

- **3/2024/0851** - Retrospective planning application for the retention of a single dwelling house and associated parking, soft and hard landscaping and associated works. (Refused 10th January 2025)
- **3/2025/0074** - Certificate of lawfulness for existing dwellinghouse and associated curtilage (garden, driveway and areas of hardstanding) (Refused 26th March 2025)

2.10. The land that the dwelling relating to this appeal sits on was granted a certificate of lawfulness on in 2017 (Ref: 3/2017/0556) for residential use. A copy of the site location plan for this application is provided within Appendix C.

2.11. It is also noted that under none of the applications above have permitted development rights been removed from the land.

2.12. As noted previously within this statement, an Enforcement Notice was issued by the LPA on the 3rd April 2025. This was issued as it is alleged by the LPA that there has been a breach of planning control within paragraph (a), section 171A of the Town and Country Planning Act 1990. The breaches of planning control alleged are as follows:

- a) Without planning permission, carries out the erection of an unauthorised dwellinghouse and decking
- b) Without planning permission, a material change in the use of the land consisting in the unauthorised use of the building as a dwellinghouse and the use of other parts of the land for incidental purposes

2.13. This Enforcement Notice was issued on the 3rd April 2025, and in line with Procedural Guide: Planning Appeals – England (set out below), this planning appeal made under Section 78 of the TCPA has been submitted 28 days following the date the enforcement notice was served.

Appellant's Contextual Statement

- 2.14. The Appellant had lived at the 4 Wiswell Lane for over ten years, before he sold the property in 2017 and moved into his father's house next door. His father's house had been an annexe to the main house but was now used as a separate dwelling (4a). This was initially going to be a temporary arrangement whilst they obtained planning consent for new dwellings in the land associated with 4 Wiswell Lane.
- 2.15. As set out above, there were a number of planning applications submitted relating to the increase in dwellings on the site. Nevertheless, in March 2020, permission (Ref: 3/2020/0006) was granted for an extension to 4a Wiswell Lane (approved originally within 3/2006/0570) and a new single storey dwelling on the land to the southwest.
- 2.16. Before and at the time of the above approval, the Appellant's father had been ill and to ensure that he could be around to care for him, the Appellant decided to build a new annex in the form of a mobile home. This is the building that this appeal relates to.
- 2.17. Construction of the building began in March 2020. Sadly, in the same summer, the Appellant's father passed away and this therefore changed the initial reasons for the structure. Following this, it was decided that other family members would move into 4a Wiswell Lane, whilst the Appellant would use the new annex as living accommodation. It was also decided that the new dwelling would be sold off (now known as 4b Wiswell Lane). It should be noted that the applications above relating to 4b Wiswell Lane were not submitted by the Appellant.
- 2.18. It was the Appellant's understanding that the building as now built was a temporary annex mobile home and therefore did not require planning permission. Nevertheless, the construction began the Appellant had been in ongoing discussions with the LPA's Enforcement Officer regarding the development.
- 2.19. This included a pre-application request (Ref: RV/2020/ENQ/00108) in October 2020, with the response received on in January 2021. It was the LPA's view that the building required consent. Following this, the Appellant kept in correspondence with the LPA, and it was constructively agreed a planning application should be submitted to regularise the development.
- 2.20. The planning application submitted above (ref: 3/2024/0851) was refused and is the subject of this appeal. Following this refusal a certificate of lawfulness (Ref: 3/2025/0074) was

submitted, however this was refused, with an Enforcement Notice issued in the following week. As noted previously, the Enforcement Notice is subject to a separate enforcement appeal.

/3 APPEAL PROCEDURE

- 3.1. As set out within Section 78 of the TCPA, an appeal against the LPA's decision must be made within 6 months of the date of the decision. This planning appeal is comfortably within this time period, which expires on the 10th July 2025.
- 3.2. Nevertheless, since the refusal of the planning application relating to this appeal, an enforcement notice (referenced above) has been issued by the LPA.
- 3.3. As set out within Paragraph 4.2 of the Procedural Guide: Planning Appeals – England (updated 16 April 2025):

"4.2. However, if an enforcement notice has been served on the same or very similar development as the development which the application relates to, a shorter timeline may apply:

.....

*If the enforcement notice was served after the date the decision on the application was made or after the date by which the LPA should have made their decision and the enforcement notice was served earlier than 28 days before the expiry of the period within which the appellant can make their appeal (depending on the appeal type and circumstances – see table in 4.1) , **we must receive the appeal within 28 days from the date the enforcement notice was served**"*

- 3.4. In accordance with the above, this planning appeal has been submitted within 28 days from the date the enforcement notice was served (3 April 2025), expiring on the 1 May 2025.

/4 RELEVANT PLANNING POLICY

- 4.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2. In accordance with paragraph 11(d) and Footnote 7, where an LPA are unable to demonstrate a five-year supply of deliverable housing land, the NPPF makes clear that those policies most important for determining the application are to be considered out of date
- 4.3. The Development Plan, insofar as it is relevant to the application site, comprises the Core Strategy 2008-2028 A Local Plan for Ribble Valley (adopted 2014); Ribble Valley Proposals Map (adopted 2019) and the Housing and Economic Development – Development Plan Document (adopted 2019).
- 4.4. Figure 2 is an extract from the Local Plan Policies Map showing the site's location with a red dot. As can be seen from the below the sites only designation (black line) is within the Settlement Boundary of Whalley.



Figure 2 – Extract from LPA Policies Map, showing suite as red dot

Core Strategy (adopted 2014)

4.5. The Core Strategy sets out the overarching strategy, policies and long-term vision for Ribble Valley, with the Key Statements providing the strategic framework for development within the borough. They guide the delivery of sustainable growth, housing provision, environmental protection and infrastructure improvement. The following Key Statements are relevant to this proposal:

- DS1: Development Strategy;
- DS2: Presumption in Favour of Sustainable Development;
- H1: Housing Provision; and
- DMI2: Transport Considerations.

4.6. **Key Statement DS1** sets the Development Strategy for Ribble Valley. It outlines that the majority of new housing development will be concentrated within an identified strategic site located to the south of Clitheroe; and the principal settlements of Clitheroe, Longridge; and Whalley. Key Statement DS1 concentrates development to, 'within' the settlement boundaries of the strategic site and 'towards' Tier 1 Villages.

4.7. **Key Statement DS2:** Sustainable Development looks to mirror Paragraph 11 of the NPPF which details the sustainable development principle that seeks to guide both authorities and developers. The Statement details that:

"When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise"

4.8. **Policy H1** sets the strategic aim for Ribble Valley to deliver 5,600 homes over the Plan period, equating to an annual average completion target of at least 280 homes per year. Policy H1 is considered to be out-of-date for the purposes of decision making as it is based on out-of-date housing requirement data. It is therefore considered that the policy carries no weight.

- 4.9. **Policy DM12** encourages development in locations that minimise the need for travel, ensuring good access by foot, cycle and public transport to reduce car dependency. It is considered that this policy relates mainly to new development and the need for it to be sustainably located. As this application relates to the expansion of a developed site, the proposals consideration against this policy is not thought to be determinative.
- 4.10. In addition to the Key Statements above, the Core Strategy includes a range of policies that provide detailed criteria for assessing development proposals. Policies relevant to this proposal are outlined below:
- Core Strategy Policy DMG1 – General Considerations
 - Core Strategy Policy DMG2 – Strategic Considerations
 - Core Strategy Policy DMG3 – Transport and Mobility
 - Core Strategy Policy DMH5 – Residential and Curtilage Extensions
- 4.11. **Policy DMG1** assists in ensuring that development proposals are in line with numerous broad criteria by providing a series of overarching considerations regarding the quality of developments. The policy categorises the criteria under 6 headings which are as follows:
- Design;
 - Access;
 - Amenity;
 - Environment;
 - Infrastructure;
 - Other
- 4.12. Policy DMG1 is considered to align with the thrust of the NPPF in respect of its advocacy for well-designed places in appropriate locations and therefore carries weight in the determination of the application.
- 4.13. **Policy DMG2** establishes how the Development Strategy for Ribble Valley set out in Key Statement DS1 will be implemented.
- 4.14. **Policy DMG3** concerns transport and mobility and states that weight will be attached to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development.

- 4.15. There are no policies within the Housing and Economic Development – Development Plan Document (adopted 2019) which are relevant to this appeal.

Other Material Considerations

- 4.16. In addition to the policies of the statutory Development Plan, there are a series of national and local planning policy and guidance documents which are considered to be material considerations in the context of the proposed development including:
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance
 - Emerging RVBC Local Plan

National Planning Policy Framework (NPPF) (2024)

- 4.17. The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these should be applied. The Framework sets out the Government’s presumption in favour of sustainable development whereby developments which correctly balance the requirements of economic, social and environmental issues should be granted planning permission unless there are strong reasons that permission should not be granted.

- 4.18. **Paragraph 11** of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development and that “for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important are out-of-date (further detail given at footnote 9), granting permission unless:

i. The application of policies in this Framework that protect area or assets of a particular importance provides a clear reason for refusing the development proposed; or

ii. Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework when taken as a whole”.

4.19. **Footnote 8** of the NPPF provides further guidance as to when policies should be considered out of date for the purpose of Paragraph 11(d). It states:

"This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."

4.20. The NPPF supports the Government's objective of significantly boosting the supply of homes, requiring a sufficient quantity and variety of land to come forward. The minimum number of homes needed should be informed by the local housing needs assessment, calculated using the Standard Methodology in National Planning Practice Guidance (Paragraph 62). It is important that specific housing needs are addressed as possible, including with an appropriate mix of housing for the local community, and that land with permission is developed without unnecessary delay.

4.21. **Section 9** of the NPPF sets out clear guidance on promoting sustainable transport Paragraph 115 requires that development proposal ensure that:

"sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location"

4.22. **Paragraph 116** states:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."

4.23. **Paragraph 118** highlights the need for vision-led transport assessments or statements for significant developments to ensure that any impacts on the transport network are identified, monitored and mitigated.

4.24. **Paragraph 131** of the Framework states *"the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to*

communities. “The Framework places an emphasis on provided high quality design in new development.

Planning Practice Guidance

- 4.25. The Planning Practice Guidance (PPG) accompanies the NPPF to provide further guidance for developments across England. The PPG states that good design should enhance the quality of buildings and spaces, by considering (inter alia), form and function, efficiency and effectiveness, and their impact upon well-being. It also sets out a number of issues which should be considered, including local character, safe, connected and efficient streets, crime prevention, access and inclusion and cohesive and vibrant neighbourhoods.

Emerging Local Plan

- 4.26. The LPA are currently undergoing a Local Plan Review and have undertaken their Regulation 18 - Strategic Matters Consultation in 2022. It is unclear on timescales for the next stage of the plan preparation. The LPA are also updating their evidence base to underpin the emerging strategy and policy of the new local plan. This includes:

- Housing Land Availability Study and 5 Year Supply (adopted 2021); and
- Strategic Housing and Economic Needs Assessment (SHENA) (adopted 2020).

- 4.27. The SHENA (adopted 2020) combines housing and economic data to forecast development needs. It outlines the current and future housing needs of RVBC, identifying a target of 280 homes per annum.

- 4.28. RVBC’s emerging plan approach aligns with Government Policy recognising the importance of boosting the country’s housing supply. Nevertheless, in accordance with the NPPF, due to the stage the emerging RVBC Local Plan is at, it should be given no weight in the determination of any planning application.

Town and Country Planning General Permitted Development Order (GDPO) (2015 as amended)

- 4.29. The GDPO is a [statutory instrument](#), applying in England, that grants planning permission for certain types of development without the requirement for approval from the local planning authority.

- 4.30. Under Schedule 2 Part 1 Development within the curtilage of a dwellinghouse, Class E relates to buildings etc incidental to the enjoyment of a dwellinghouse. This permits development for:

The provision within the curtilage of the dwellinghouse of—

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

- 4.31. Development is not permitted by Class E if –

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

(d) the building would have more than a single storey;

(e) the height of the building, enclosure or container would exceed—

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

(f) the height of the eaves of the building would exceed 2.5 metres;

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

(h) it would include the construction or provision of a verandah, balcony or raised platform; (i) it relates to a dwelling or a microwave antenna

/5 REASONS FOR REFUSAL AND CASE FOR THE APPELLANT

5.1. The application was refused on 10th January 2025 and the Decision Notice contained two reasons for refusal which have been set out again below:

1. *The proposal results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that the dwelling, by virtue of its external appearance and site configuration, which fails to respond positively to the inherent pattern of development or character of nearby dwellings found in the vicinity, results in significant measurable adverse impacts upon the character and visual amenities of the area.*
2. *The proposal is considered to conflict with the requirements of Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy insofar that it has not been adequately demonstrated that the existing access and internal access track can accommodate further cumulative vehicular movements without resulting in detriment to the safe operation of the immediate highway*

5.2. It is considered that neither reason should have warranted the refusal of the application and accordingly each reason has been dealt with below in turn. However, before discussing the reasons for refusal, it is pertinent to acknowledge the LPA's housing supply position.

LPA Housing Supply Position

5.3. As established by Paragraph 70 of the NPPF, the LPA is required to identify and update annually a supply of specific deliverable housing sites sufficient to provide a minimum of five years' worth of housing against their local housing need ('5YHLS').

5.4. Whilst it is appreciated that the LPA have exceeded their recent 5YHLS targets, a recently submitted planning application (ref: 3/2025/0196) within the LPA included an independent assessment of the LPA's 5YHLS position.

5.5. As referenced within the Planning Statement (Paragraphs 5.20):

"The independent assessment of RVBC's 5YHLS position indicates can only demonstrate a 3.08 year housing supply position and therefore necessitates the Council to look at the approval of windfall sites in appropriate, sustainable locations

to ensure the deficit does not worsen. Additionally, in the absence of a 5YHLS, under the provisions of NPPF Paragraph 11(d) the Tilted Balance is engaged.”

- 5.6. The changes to NPPF 2024 means that the LPA is unable to demonstrate a five year supply as required by Paragraph 78 and in fact the shortfall in supply is now acute. Importantly the failure to demonstrate a five-year supply also now triggers the presumption in favour of sustainable development and the provisions of 11(d) consistent with footnote 8.
- 5.7. This change in the housing supply position is extremely significant in the context of the appeal as it activates the so-called tilted balance, where the policies which are most important for determining the application are **out of date** and where planning permission ought to be granted unless the exceptions at 11(d) are triggered.
- 5.8. In respect of 11(d)(i), the appeal site is not located within any of the protect areas or assets of particular importance referred to within footnote 7 and therefore the application could not be refused on these grounds.
- 5.9. In terms of 11(d)(ii), whilst this exception can still only be triggered where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, any assessment of the degree of adverse impacts which might result from a grant of planning permission, needs to be considered in the context of certain 'key policies' for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The key policies are those identified in footnote 9 of the NPPF 2024.
- 5.10. Footnote 9 states *"The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12".*
- 5.11. NPPF Paragraph 66 relates to major housing development and the provision of affordable housing. With this in mind, it is not considered that the proposal within this appeal is relevant or contributes to this policy. Paragraph 84 concerns isolated homes in the countryside, and as the appeal site is located within a defined settlement boundary, the policy does not concern this appeal.
- 5.12. Paragraph 91 relates to sequential tests for main town centres uses and location of main town centre uses. Therefore, it is not relevant to this appeal. Paragraph 110 concerns sustainable transport and the management of the patterns of growth for sustainable

locations and is considered to be focused on significant development. Nevertheless, the appeal site is located within a settlement boundary and although only relating to one dwelling, is considered to be in a sustainable location.

5.13. Paragraph 115 again relates to sustainable transport and includes criteria on sites allocated for development or specific applications for development. These have been set out below, along with a response to each criterion:

a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

This criterion is considered to be focused on larger developments; however, the appeal site is located within a defined settlement boundary, with sustainable transport options (refer to Transport technical note) in close proximity.

b) safe and suitable access to the site can be achieved for all users;

As set out below within this Statement, the Transport technical note provides the evidence to confirm that the site has safe and suitable access for all users.

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

Again, this criterion is considered to be focused on larger scale development, however, evidence has been provided which confirms that the parking areas are compliant and manoeuvrable.

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

As set out below, it is not considered that the allowance of this appeal will result in significant impacts to the transport network and therefore would not be required to be cost effectively mitigated.

5.14. Paragraph 129 relates to planning policies and decisions supporting development that makes efficient use of land. This paragraph again includes a range of criteria, set out below:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

Whilst only for one single dwelling, the dwelling serves an important purpose for the Appellant in his desire to live close to his family. Furthermore, it is the Appellant's land and is available for development.

b) local market conditions and viability;

As set out above, the dwelling has a personal purpose for the Appellant in his desire to stay close to his family. Nevertheless, it is not to say that an alternative occupier could not live there in the future.

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

The site is located within a defined settlement with amenities and includes sustainable modes of transport in close proximity.

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

The surrounding context has a residential character and setting, although of various house sizes, plots and styles. Due to the nature of the development, the addition of the dwelling would not conflict with the character or setting of the area.

e) the importance of securing well-designed, attractive and healthy places.

As set out below, it is considered that the dwelling is of a well-designed and attractive nature, also encouraging biodiversity within its external areas.

5.15. Paragraphs 135 and 139 specifically relate to the NPPF policies on design. More detail on design is provided below, however in overview, the proposed dwelling is considered to be of a high-quality design which will add to the overall quality of the area and brings an interesting piece of architecture which ties in with a recently approved dwelling nearby. Furthermore, the landscaping surrounding the dwelling encourages visual amenity and biodiversity.

- 5.16. The local character of the surrounding context is residential, and it is considered that the addition of this dwelling is sympathetic to the built environment. It also maintains a strong sense of place, by retaining the residential use, but proposing a smaller scaled building to the rear of the main dwelling houses that surround the site.
- 5.17. The development is considered to optimise the site for the most efficient of uses, and creates a considerate and respectful place where the Appellant can live close to his family.
- 5.18. In summary on the presumption in favour of sustainable development, the publication of NPPF 2024 has made a fundamental change to the context of the decision-making process for the appeal. The changes to local housing need mean that the LPA is unable to demonstrate a five-year housing supply and hence that the policies which are most important for determining the appeal are out of date. Engagement of the so-called tilted balance would, in our opinion, strongly suggest that permission ought to be granted as the weight to be given to the harm from conflict with development plan policies is significantly reduced.
- 5.19. With the above in mind, we also refer to Paragraphs 5.1.3 and 5.1.4 of the Officer's Committee Report to this application (Appendix B) which state (PWA's **bolded** emphasis):

*"In respect of the above policy criterion, the application site is located wholly within the defined settlement limits of Whalley (Principal Settlement). As such, the principle of the redevelopment of the site for residential purposes **would fully align with the inherent criterion of Policy DMG2(1)**, particularly insofar that it is located within defined settlement limits and would represent development that it is **closely related to the main built-up area of the settlement** to which it relates.*

*As such and taking account of the above matters, it is not considered that the principle of the redevelopment of the site for residential purposes, notwithstanding other development management considerations, would result in **any significant measurable adverse conflict** with Policy DMG2 of the Ribble Valley Core Strategy **in relation to the locational and spatial aspirations for new housing growth within the borough.**"*

- 5.20. The above text reflects the sustainable nature of the site, which coupled with the LPA's housing supply position should be considered as part of this planning appeal.

Reason For Refusal 1

- 5.21. The first reason for refusal (RfR1) relates to the design of the dwelling, which states "*by virtue of its external appearance and site configuration, which fails to respond positively the in inherent pattern of development or character of nearby dwellings found in the vicinity, results in significant measurable adverse impacts upon the character and visual amenities of the area*"
- 5.22. In reference to the Officer's committee report, we refer to section 5.3 which concerns Visual Amenity/External Appearance. In this respect, the following paragraphs were included (PWA's **bolded** emphasis):
- 5.3.1 *The dwelling that has been erected in single-storey in nature, being clad in timber and benefitting from a proprietary metal-clad roof of a corrugated appearance. A decked area has been constructed which interfaces with the southern elevation of the building. The dwelling benefits from quad-fold and bi-fold doors to the south and southwest elevation respectively.*
- 5.3.2 *The dwelling, **by virtue of its siting and proximity to nearby built-form**, results in a **cramped form of development** that fails to respond positively to the inherent pattern of development that is typical to the character of the area.*
- 5.3.3 *In respect of the external appearance of the dwelling, the **timber-clad nature** of the proposal along with **its siting and external appearance** fails to respond positively to the **character or elevational language** of the dwellings of which it is read in context with, resulting in the building appearing **both incongruous and anomalous being at significant visual odds** with nearby built-form.*
- 5.3.4 *As such and taking account of the above, it is considered that the proposal results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy. Particularly insofar that the dwelling, by virtue of its **external appearance and site configuration**, which fails to respond positively the in **inherent pattern of development** or character of nearby dwellings found in the vicinity, results in **significant measurable adverse impacts** upon the character and visual amenities of the area.*

5.23. In dissection of the above paragraphs, it appears that the LPA have concerns relating to the siting and cramped form of the development, along with its general external appearance which in combination results in a form of development which is at significant odds with its surrounding context and will result in significant measurable impacts upon the character and visual amenities of the area.

5.24. Before we respond to the above visual amenity and external appearance assessment, firstly we refer to the residential amenity section of the Officer's Committee Report (Section 5.2). The text within this section states (PWA's **bolded** emphasis):

5.2.1 Given the dwelling is located within close proximity of other nearby residential reception, consideration must be given in respect of the potential for the proposal to result in undue impacts upon the residential amenities of nearby residential occupiers.

*5.2.2 Taking account of the orientation of the dwelling, its relationship with nearby affected residential receptors and the orientation of habitable rooms windows it is not considered that the proposal **will result in any measurable adverse impacts upon residential amenities by virtue of a loss of light, overbearing impact nor loss of privacy by direct over-looking.***

*5.2.3 As such, and taking account of the above matters, the proposal does not raise any significant direct conflicts with Policy DMG1 which seeks to **ensure of adequate standards of residential amenity and protect against development(s) that would result in measurable detrimental impact(s) upon nearby existing residential amenities.***

5.25. Although it is noted that these paragraphs relate to loss of light, overbearing impact and loss of privacy from direct overlooking, elements of these factors are linked to the LPA's concerns on visual amenity and external appearance. The LPA have correctly assessed that there will be no overbearing impact or loss of privacy from the development. This is due to the single storey small scale nature of dwelling, which is located sufficient distances from the surrounding residential development. The overbearing assessment contradicts the LPA's text in paragraph 5.3.2 above, which states by virtue of its siting and proximity to nearby built-form, results in a cramped form of development that fails to respond to the character of the area.

- 5.26. The siting and cramped form of development will be the first element which this statement seeks to respond to for RfR1.
- 5.27. As set out within the submission, the surrounding uses are all residential, and therefore the dwelling sits comfortably within this context in usage terms. This has been confirmed by the LPA with respect to their text of the settlement limits in Paragraph 5.13 above.
- 5.28. In respect of sitting, the dwelling sits on a spacious plot of land which was formally the garden area for 4a Wiswell Lane. As set out above within the planning history section, this area has a lawful residential use under application 3/2017/0556 for the wider 4 Wiswell Lane site. The size of the single-storey dwelling has a modest footprint (91sqm) and scale, resting below the two storey dwellings to the east, south and north. It also ties in with the smaller buildings at 4, 4a and 4b (latter still under construction) and therefore does not look out of place within its immediate setting.
- 5.29. Further consideration should also be provided to what the Appellant could have built out under permitted development. As set out above within 4.31, whilst the existing dwelling built out includes sleeping accommodation and exceeds the roof ridge and eaves height parameters of Schedule 2 Part 1 Class E, the Appellant could have built a similar sized building which would have had a similar height, scale and mass as the one that sits on the site today.
- 5.30. The layout and relationship with the existing buildings and their gardens is also appropriate and does not in our opinion present any issues in respect of sitting or a cramped form of development.
- 5.31. The closest building is 4a Wiswell Lane (17m to the west) and relates to the western single storey extension of this building. Given the orientation of the Appellant's dwelling and distance from this property, it is not considered to have an inappropriate relationship with this built form. Furthermore, the vegetation and fence screening along the garden boundary of 4a, provides further separation between the two buildings. To the southeast (18m) of the building (once fully constructed) will lie no. 4b Wiswell Lane. Again, due to the orientation and distance, the relationship with this property is considered to be acceptable. The approved plans for no.4b also include timber gates to the front of the dwelling which will provide further separation.

- 5.32. Residential gardens lie to the north and east of the dwelling. Nevertheless, due to the single storey nature of the building, the boundary fencing and the vegetation on these boundaries, the dwelling does not result in any close-knit relationship in siting terms which would result in cramped form of development.
- 5.33. The LPA have also provided a concluding statement of the dwelling failing to respond to the inherent pattern of development that is typical to the character of the area.
- 5.34. It is noted that there are housing estate developments to the east and south which in connection provide an inherent pattern of development. However, the immediate dwellings at 2, 4, 4a, 6, 8, 10 and 12 do not have a clear pattern and relate to single dwellings of various sizes, plots, orientation and siting. We also refer to the single storey dwelling which was approved at 4b Wiswell Lane in 2020 (Ref: 3/2020/0006). In this respect, the LPA stated (Appendix D for Officers Report of 3/2020/0006) the dwelling was contemporary and did not relate to the character of dwellings within the vicinity, however, given its location away from the public realm, it was deemed that it would not result in any detrimental impact on the character or visual amenities of the area. It is our opinion that the same conclusion should have been reached on this planning application.

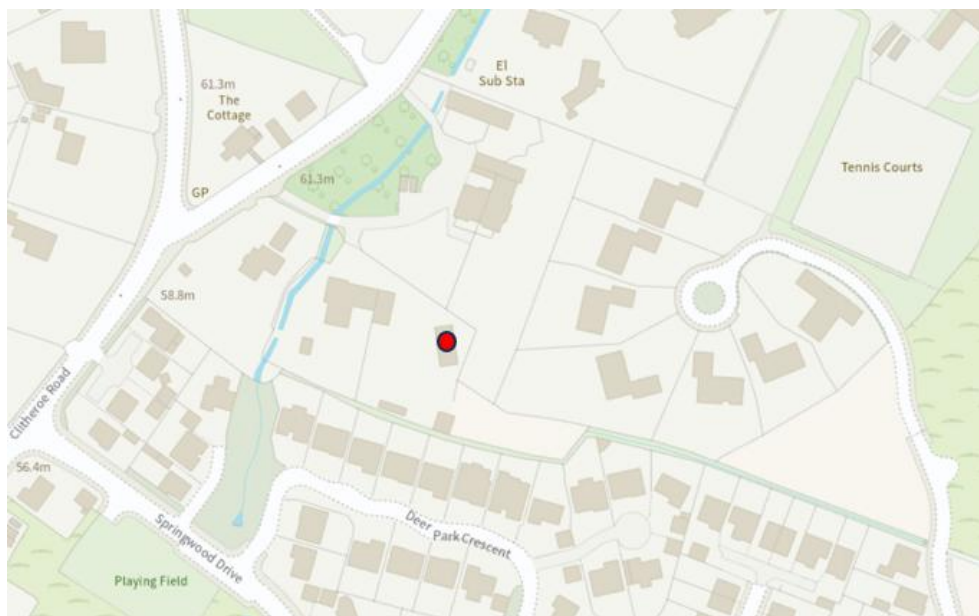


Figure 3 – Aerial map showing dwelling (red dot) and the various sizes, plots, orientation and siting of surrounding dwellings (Source: Mario Maps, 2025)

- 5.35. Turning to external appearance, the LPA have determined that the timber-clad nature of the proposal along with the sitting and external appearance fails to respond positively to character or elevational language of the dwellings of which it is read in context with. In the LPA’s opinion, this results in the building appearing both incongruous and anomalous, and therefore at significant visual odds with nearby built-form.
- 5.36. As set out above, it is considered that there is no consistent character for the siting of residential properties within the surrounding context. The same conclusion can be made on elevational language, with the estates to the south and east having similar elevational treatments throughout, but the dwellings immediately adjacent to the site having differing elevational styles.
- 5.37. It is pertinent to also reference the under construction building at 4b Wiswell Lane. As set out above, this was assessed to be contemporary in design and not relate to the character of dwellings within the surrounding area. However, given it could not be seen from the public realm, it would not result in any detrimental impact on the character or visual amenities of the area.

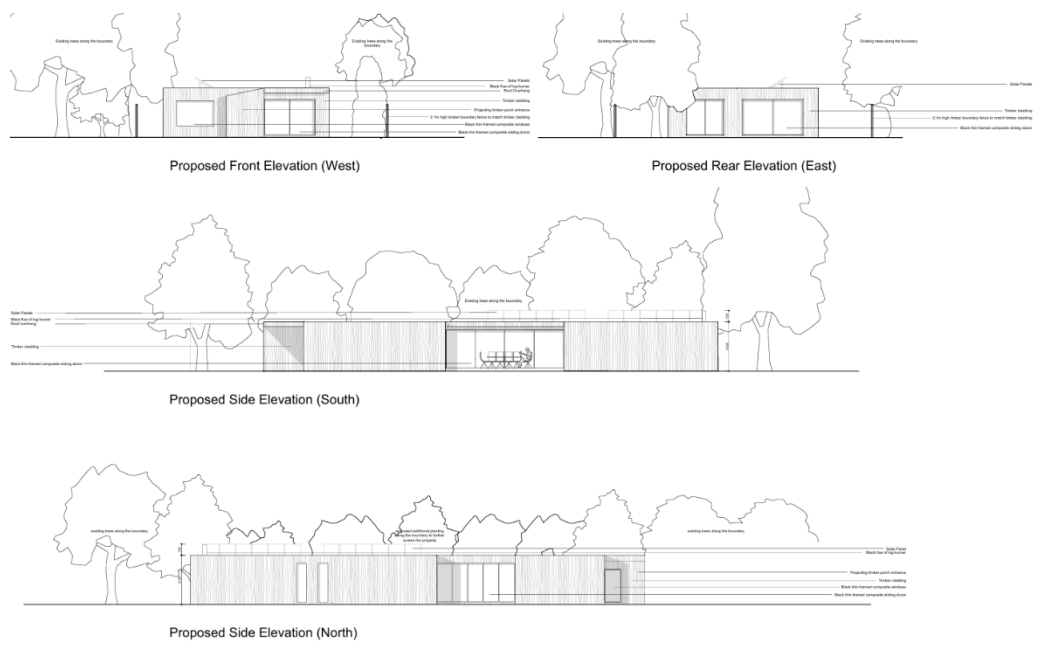


Figure 4 – Screenshot of elevations from application 3/2021/0991



Figure 5 – Screenshot of site plan from application 3/2021/0991

5.38. As shown above, the building at 4b Wiswell Lane relates to a modern single storey timber-clad dwelling (similar to the dwelling within this appeal). Further to this, the dwelling sits in much closer proximity to the residential estate to the south, and whilst it is noted that it was approved to be lower in level, it is considered that the Appellant’s dwelling sits in a more comfortable and screened plot than this development. In this respect, for the LPA to approve this development, but state that the Appellant’s dwelling appears incongruous and anomalous, and at significant visual odds with nearby built-form is an inconsistent approach.

5.39. Policy DMG1 relates to general considerations and includes a section on design. The policy states, in determining planning application all development must:

- 1. be of a high standard of building;*
- 2. 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.*
- 3. 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.

4. use sustainable construction techniques where possible and provide evidence that energy efficiency, as described within policy dme5, has been incorporated into schemes where possible.

5. the code for sustainable homes and lifetime homes, or any subsequent nationally recognised equivalent standards, should be incorporated into schemes.

- 5.40. The dwelling as now built out has a scandic appearance and is constructed predominantly from a high-quality timber, with a black corrugated metal roof. The glazed windows and doors are surrounded by black UPVC.
- 5.41. Internally, the floorplan comprises an open plan kitchen and living area, two bedrooms and 1 bathroom and a study. The living area opens up onto the external decked area which includes seating and areas to socialise. Directly to the east of the site lies a small pond which has been created by the applicant and acts both as a visually appealing feature and an attractor of biodiversity. Areas of soft landscaping grassland sit adjacent to the seating area and pond. Two parking spaces are located to the east of the building, with an existing access to the west joining onto Wiswell Lane.



Figure 6 – Site photograph of the dwelling

- 5.42. Overall, the design and materiality of the dwelling is considered to be of a high standard and therefore accords with criteria 1 of Policy DMG1.
- 5.43. As set out within this statement, it is considered that the dwelling is sympathetic to existing land uses in terms of size intensity and nature. The scale and massing are also sympathetic of the surrounding context. It is noted that the style, features and building materials are not commonly used within the surrounding context, however the approved dwelling at 4b Wiswell Lane will result in two dwellings of a similar appearance and therefore the dwelling will not feel out of place. With this in mind, the dwelling accords with criteria 2 of Policy DMG1.
- 5.44. This statement has set out why the density, layout and relationship with existing buildings is considered to be acceptable. The Appellant's dwelling is of a modest footprint and together with the reasonable footprint of the approved dwelling at 4b, it is considered that there remains a sufficient amount of undeveloped land to the south and west of the dwelling to ensure that the immediate context does not feel overdeveloped. This will overall not result in detrimental impacts on the character or visual amenities of the area. The dwelling therefore accords with criteria 3 of Policy DMG1.
- 5.45. In respect of sustainable construction techniques, the proposal is a simple timber build which did not require a significant amount of groundwork or building materials. Furthermore, the internal areas are heated internally by a clean log burner, with the water heated by an electric boiler. This is paired with the UPVC windows and doors which provide airtight insulation in winter and ventilation within the summer months. The proposed external soft landscaping (including the pond, plants, flowers and grass) also attracts biodiversity to the site. The dwelling therefore accords with criteria 4 of Policy DMG1.
- 5.46. The Code for Sustainable Homes has now been withdrawn (aside from the management of legacy cases) and has been replaced with Building Regulations relating to water and access and the new national space standard. Following a review, the dwelling complies with all the technical requirements of the national space standards. The dwelling therefore accords with criteria 5 of Policy DMG1.
- 5.47. Overall, the above demonstrates that the Appellant's dwelling would not result in significant measurable adverse impacts upon the character and visual amenities of the area, and it is considered that the LPA have over-exaggerated the impact of the dwelling on the

surrounding context. The dwelling is compliant with Policy DMG1, and we respectfully request that Inspector quashes RfR1.

Reason for Refusal 2

- 5.48. The second reason for refusal (RfR2) relates to access and vehicle movements, *stating "The proposal is considered to conflict with the requirements of Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy insofar that it has not been adequately demonstrated that the existing access and internal access track can accommodate further cumulative vehicular movements without resulting in detriment to the safe operation of the immediate highway."*
- 5.49. Policy DMI2 concerns transport considerations and states, *"New development should be located to minimise the need to travel. Also it should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for travel by private car"*. As set out previously within this statement, it is considered that this policy is related more to larger scale developments, rather than retrospective applications for single dwellings. Policy DMG3 is also considered to be more focused on strategic transport and mobility considerations.
- 5.50. As part of the planning application a Transport Note was provided by Eddisons (Appendix C). This note confirms that the site can be accessed by sustainable modes of transport, including pedestrian infrastructure and bus and train services. It also confirms that the dwelling does not cause an unacceptable increase in traffic and that the surrounding highway network is safe.
- 5.51. Further to the above, the car parking standards advise that 2 spaces are required for family dwellings (2-3 bedrooms). In this respect, the dwelling includes two spaces directly to the east of the building. As shown within the Transport Note, swept path analysis demonstrates how these spaces can be accessed. As per existing, refuse collection for all the properties using the secondary access is from the entrance to Wiswell Lane and there is no reason to suggest that this should change.
- 5.52. In respect of the access to the site, this is again from the access to Wiswell Lane. Given that the dwelling has been lived in for 4 years and there haven't been any issues/accidents, this existing access arrangement is considered to be acceptable. As part of their transport note, Eddison's have provided an analysis of the access arrangement, which confirms that

there would not be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF Paragraph 116).

- 5.53. As part of the applications determination, Lancashire County Council Highways (LCC Highways) provided a consultee response on the 28th November 2024 (Appendix D). In conclusion, LCC Highways stated:

"While the proposal intends to utilise the existing access onto Wiswell Lane, it presents challenges due to the substandard width and limited visibility. Historical concerns raised by the local highway authority regarding the intensification of use have not been fully addressed. The addition of further dwellings exacerbates these issues. Although the internal layout complies with parking standards and demonstrates vehicle manoeuvrability within the site, the practical implementation remains challenging given the limited space and the critical necessity for vehicles to enter and exit in forward gear. Comprehensive improvements to the access are constrained by third-party ownership, further consideration to meet the Local Highway Authority's guidance and ensure safe and efficient traffic flow for all residents would be beneficial"

- 5.54. The LCC Highways response also references a former refused application on the site (Ref: 3/2018/1017) which related to the erection of two four-bed detached dwellings with detached double garages. Overall, the new dwellings would have had a total of 6 car parking spaces. Whilst this application was refused, the LPA approved the dwelling at 4b Wiswell Lane in 2020 (although LCC remained to have concerns) and this included 2 car parking spaces and a double garage. Since then, the Appellant built their dwelling, which again has two car parking spaces.
- 5.55. Although it is appreciated that LCC Highways have concerns regarding the intensification of the use of the access, as demonstrated by the Transport Technical note submitted within the application, there have been no accidents along the section of Wiswell Lane in the vicinity of the site (between the years of the available data). Therefore, it is considered that the current arrangement of the dwellings and access to and from Wiswell Lane is not resulting in any issues of safety onto or from the highway. Furthermore, it is anticipated that this will not change following the completion of 4b Wiswell Lane.

5.56. Overall, the information provided within the application demonstrates that the existing access and internal access track can accommodate the existing usage and associated traffic and does not result in a detriment to the safe operation of the immediate highway.

5.57. As set out within NPPF Paragraph 116:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."

5.58. In conclusion, we respectfully request that Inspector quashes RfR2.

/6 CONDITIONS

- 6.1. Government advice on the imposition of conditions in planning permissions is to be found in NPPF Paragraphs 56 to 57 and expanded upon in PPG: Use of Planning Conditions. The guidance states that conditions should only be imposed where they are
- Necessary.
 - Relevant to planning.
 - Relevant to the development to be permitted.
 - Enforceable.
 - Precise.
 - Reasonable in all other respects.
- 6.2. With the above in mind and given the LPA's concerns regarding the development and impact on the surrounding context, the Appellant would be agreeable to a condition which limits their Permitted Development rights to a level which is satisfactory to the Inspector.

/7 CONCLUSIONS

- 7.1. This Statement of Case has explained how the proposed development is acceptable in the context of the Development Plan and other material considerations, and therefore the Appeal should be allowed.
- 7.2. The dwelling is not a building which fails to respond positively to the inherent pattern of development or character of the surrounding context. Furthermore, the LPA have over-exaggerated the impact that the dwelling will have on the character and visual amenities of the area. Furthermore, due to the existing use of the dwelling in collaboration with the surrounding buildings, the development has not led to the unsafe use of Wiswell Lane which would warrant a reason for refusal.
- 7.3. Whilst the proposal only relates to one dwelling, the LPA's housing supply position should also be a material consideration as part of this appeal. Engagement of the so-called tilted balance would, in our opinion, strongly suggest that permission ought to be granted as the weight to be given to the harm from conflict with development plan policies is significantly reduced.
- 7.4. Finally, there are no technical reasons why the appeal should not be allowed.
- 7.5. With the above in mind, the development is compliant with the relevant Key Statements and Policies as well as the NPPF.

Appendix A – Decision Notice (Ref: 3/2024/0851)

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

APPLICATION NO: 3/2024/0851

DECISION DATE: 10 January 2025

DATE RECEIVED: 31/10/2024

APPLICANT:

Mr John Atherton
4a Wiswell Lane
Whalley
Clitheroe
BB7 9AF

AGENT:

Mr Edward James
PWA Planning
2 Lockside Office Park
Lockside Road
Preston
PR2 2YS

DEVELOPMENT PROPOSED: Retrospective planning application for the retention of a single dwelling house and associated parking, soft and hard landscaping and associated works.

AT: 4a Wiswell Lane Whalley BB7 9AF

Ribble Valley Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission **has been refused** for the carrying out of the above development for the following reason(s):

1. The proposal results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that the dwelling, by virtue of its external appearance and site configuration, which fails to respond positively to the inherent pattern of development or character of nearby dwellings found in the vicinity, results in significant measurable adverse impacts upon the character and visual amenities of the area.
2. The proposal is considered to conflict with the requirements of Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy insofar that it has not been adequately demonstrated that the existing access and internal access track can accommodate further cumulative vehicular movements without resulting in detriment to the safe operation of the immediate highway.

Note(s)

1. Applications for planning permission are assessed against the National Planning Policy Framework and the policies within the Core Strategy for the Ribble Valley. The Local Planning Authority adopts a positive and proactive manner and will consider representations, liaise with consultees, and seek amendments to proposals where appropriate within statutory timescales.

RIBBLE VALLEY BOROUGH COUNCIL
REFUSAL OF PLANNING PERMISSION CONTINUED

APPLICATION NO: 3/2024/0851

DECISION DATE: 10 January 2025

2. The proposal does not comprise sustainable development and there were no amendments to the scheme, or conditions that could reasonably have been imposed, which could have made the development acceptable. It was therefore not possible to approve the application.

3. This Decision Notice should be read in conjunction with the officer's report which is available to view on the website.

Nicola Hopkins

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

Notes

Right of Appeal

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

· If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

· If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

· If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If it is a householder appeal it can be made online at: <https://www.gov.uk/appeal-householder-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

Purchase Notices

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Appendix B – Officers Committee Report (Ref: 3/2024/0851)

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

DATE: 9 JANUARY 2025

REF: SK

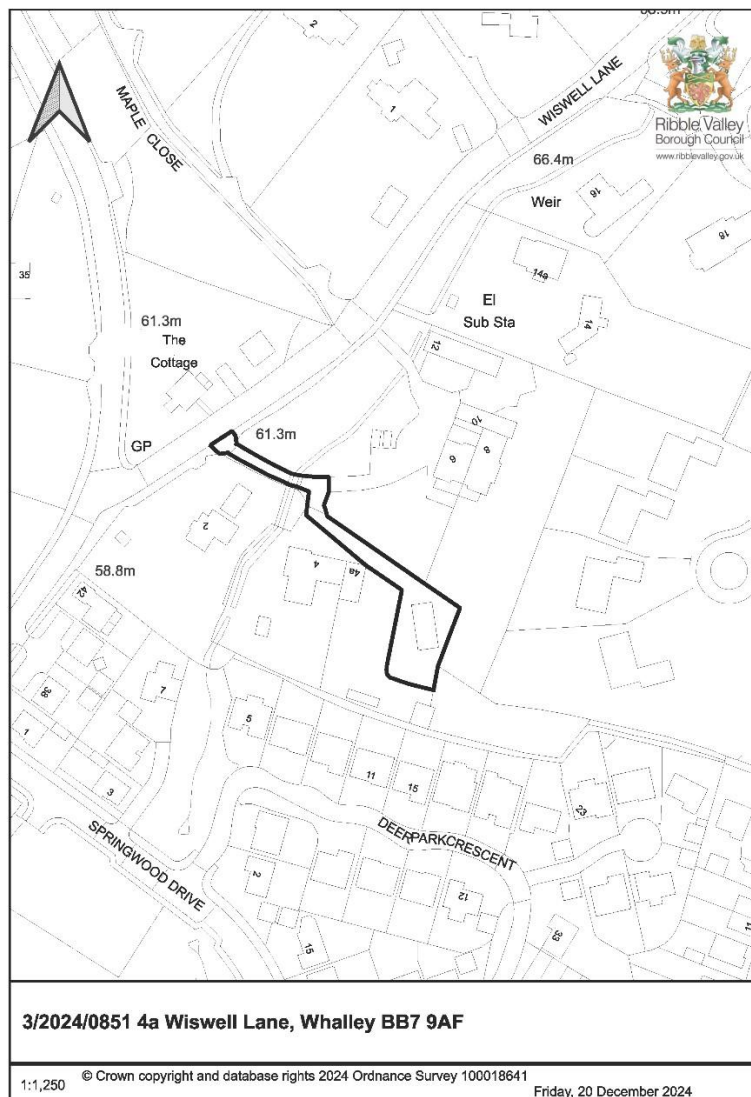
CHECKED BY: LH

APPLICATION REF: 3/2024/0851

GRID REF: SD 373644 436723

DEVELOPMENT DESCRIPTION:

RETROSPECTIVE PLANNING APPLICATION FOR THE RETENTION OF A SINGLE DWELLING HOUSE AND ASSOCIATED PARKING, SOFT AND HARD LANDSCAPING AND ASSOCIATED WORKS. 4A WISWELL LANE, WHALLEY BB7 9AF



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No representations received in respect of the proposal.

LOCAL HIGHWAYS AUTHORITY (LANCASHIRE COUNTY COUNCIL HIGHWAYS):

The Local Highways Authority have raised concerns regarding the proposal stating the following:

Summary:

Lancashire County Council acting as the Local Highway Authority raises concerns over the proposed development as it will result in an increase to the traffic flow at the access point to the site off Wiswell Lane.

Site Access:

The proposal will utilise an existing private access track which leads onto Wiswell Lane, which is an unclassified road subject to a 30mph speed limit. The access onto Wiswell Lane is approximately 3.5m wide and onsite observations noted that the access has a limited visibility splay due to the existing boundary walls which appear to be over 1m tall and vegetation situated at either side of the access.

In 2018 in response to planning applicant 3/2018/1017, which proposed to increase the number of dwellings within the land of 4A Wiswell Lane from one dwelling to 3 the local highway authority raised concerns over the intensification of the use of a substandard access.

Since 2018, planning permission was granted for one additional dwelling on the site under application 3/2020/0006. However, this did not address the concerns previously raised regarding the intensification of the use of the access.

The current proposal will result in 3 separate dwellings on the wider site, 4A, the dwelling approved under application 3/2020/0006 and the retention of the proposal. Increasing the number of dwellings using the access onto Wiswell Lane. There are also 6 existing dwellings which currently use the private access track to access Wiswell Lane. With the proposal, there would be a total of 9 dwellings using the private access track which is also limited in width and does not support two-way movement, along with the access which does not meet current standards.

Whilst there are two access's for the private access track, the one closest to 4A Wiswell is the most preferred access to use due to its positioning and width in comparison to the other access. On-site observations did not note any formalised one-way system on the private access track.

In line with the LHA's guidance the access onto Wiswell Lane should be at least 5.5m wide for at least 5m into the site to accommodate safe and efficient two-way traffic flow for residents and emergency vehicles. However, the access from Wiswell Lane is considerably narrower than this required width and therefore is substandard. The LHA are aware that the access falls within thirdparty ownership which precludes any potential improvements to the access. There is also a concern that the access's visibility is unlikely to meet current standards.

Internal Layout:

The LHA has reviewed drawing number 6180 P01 titled Proposed Site Plan and are aware that the dwelling complies with the LHAs parking standards as defined in the Joint Lancashire Structure Plan. Supplementary to this a swept path analysis has been included within the Highway Technical Note (Appendix A) provided by the applicant showing that vehicle can turn within the site. While this option is technically possible, implementing it successfully in practice may be

challenging due to the limited space available within the parking area. Given the limited width of the private access track and the nature of the access onto Wiswell Lane entering and exiting the site in forward gear is essential.

Conclusion:

While the proposal intends to utilise the existing access onto Wiswell Lane, it presents challenges due to the substandard width and limited visibility. Historical concerns raised by the local highway authority regarding the intensification of use have not been fully addressed. The addition of further dwellings exacerbates these issues. Although the internal layout complies with parking standards and demonstrates vehicle manoeuvrability within the site, the practical implementation remains challenging given the limited space and the critical necessity for vehicles to enter and exit in forward gear. Comprehensive improvements to the access are constrained by third-party ownership, further consideration to meet the Local Highway Authority's guidance and ensure safe and efficient traffic flow for all residents would be beneficial.

ADDITIONAL REPRESENTATIONS:

One letter of representation has been received in support of the application. With the representation further stating that the Highways Technical Report contains errors and fails to mention all the houses which use the access road, namely 4, 4a, 4b, 6, and 8 Wiswell Lane (5 houses).

1. Introduction, Site Description and Surrounding Area

1.1 The application is being brought to Committee as the applicant is a local councillor.

1.2 The application relates to a single storey timber-clad dwelling that has been erected to the east of 4A Wiswell lane without the benefit of planning permission. The site area previously formed part of the residential curtilage of 4A Wiswell Lane, with the site being bounded on all sides by residential built-form and associated garden areas. The site is accessed off Wiswell Lane by way of a private access track that currently serves a number of other residential properties.

2. Proposed Development for which consent is sought

2.1 The application seeks retrospective consent for the erection of a single storey timber-clad two-bedroom dwelling with associated car-parking area and associated residential curtilage.

2.2 The dwelling has been erected on land that the applicant claims form part of the former residential curtilage of 4A Wiswell Lane that was subsequently physically subdivided for 4A by virtue of the installation of an access track to serve a proposed development located to the southeast.

3. Relevant Planning History

2023/0180: Erection of single storey dwelling with solar panels on the roof and air source heat system together with landscaped (patio) areas (amendments to planning permission 3/2021/0991). (Refused)

2022/0992: Non Material Amendment of 3/2021/0991. Proposed increase in size of the study, still within the overall footprint of the site. Remove skylight in the lounge and replace with obscure window. (refused)

2021/1250: Discharge of Condition 4 (Landscaping) and 7 (Construction Management Plan) of planning application 3/2021/0991. (Approved)

2021/0991: Revisions to the proposed single storey dwelling of the previously approved application (3/2020/0006), amendments include roof overhang to south facing terrace/walkway and west facing patio. Internal reconfigurations, inclusion of study, amendment to entrance lobby, additional rooflight to living room, solar panels located on the roof and inclusion of air source heat recovery system. The application boundary has been revised to exclude the existing bungalow. The proposal also includes the construction of one double garage. (Approved)

4. Relevant Policies

Ribble Valley Core Strategy

Key Statement DS1: Development Strategy
Key Statement DS2: Sustainable Development
Key Statement EN3: Sustainable Development and Climate Change
Key Statement EN4: Biodiversity and Geodiversity
Key Statement DMI2: Transport Considerations

Policy DMG1: General Considerations
Policy DMG2: Strategic Considerations
Policy DMG3: Transport & Mobility
Policy DME1: Protecting Trees & Woodland
Policy DME2: Landscape & Townscape Protection
Policy DME3: Site and Species Protection and Conservation
Policy DME5: Renewable Energy
Policy DME6: Water Management

National Planning Policy Framework (NPPF)

5. Assessment of Proposed Development

5.1 Principle of Development:

5.1.1 The site to which the application relates is located within the defined settlement limits of Whalley (Principal Settlement) being located within a predominantly residential area.

5.1.2 In relation to matters regarding the locational and spatial aspirations for new residential housing growth within the borough, both Key Statement DS1 and Policy DMG2 are primarily engaged for assessing the acceptability/suitability of the principle of residential development in this location. In this respect, with regards to the creation of new residential planning units within principal and Tier 1 settlements, Policy DMG2 (Strategic Considerations) states that:

Development should be in accordance with the core strategy development strategy and should support the spatial vision:

Development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the tier 1 villages 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.

5.1.3 In respect of the above policy criterion, the application site is located wholly within the defined settlement limits of Whalley (Principal Settlement). As such, the principle of the redevelopment of the site for residential purposes would fully align with the inherent criterion of Policy DMG2(1), particularly insofar that it is located within defined settlement limits and would represent development that it is closely related to the main built-up area of the settlement to which it relates.

5.1.4 As such and taking account of the above matters, it is not considered that the principle of the redevelopment of the site for residential purposes, notwithstanding other development management considerations, would result in any significant measurable adverse conflict with Policy DMG2 of the Ribble Valley Core Strategy in relation to the locational and spatial aspirations for new housing growth within the borough.

5.2 Impact upon Residential Amenity:

5.2.1 Given the dwelling is located within close proximity of other nearby residential reception, consideration must be given in respect of the potential for the proposal to result in undue impacts upon the residential amenities of nearby residential occupiers.

5.2.2 Taking account of the orientation of the dwelling, its relationship with nearby affected residential receptors and the orientation of habitable rooms windows it is not considered that the proposal will result in any measurable adverse impacts upon residential amenities by virtue of a loss of light, overbearing impact nor loss of privacy by direct over-looking.

5.2.3 As such, and taking account of the above matters, the proposal does not raise any significant direct conflicts with Policy DMG1 which seeks to ensure of adequate standards of residential amenity and protect against development(s) that would result in measurable detrimental impact(s) upon nearby existing residential amenities.

5.3 Visual Amenity/External Appearance

5.3.1 The dwelling that has been erected in single-storey in nature, being clad in timber and benefitting from a proprietary metal-clad roof of a corrugated appearance. A decked area has been constructed which interfaces with the southern elevation of the building. The dwelling benefits from quad-fold and bi-fold doors to the south and southwest elevation respectively.

5.3.2 The dwelling, by virtue of its siting and proximity to nearby built-form, results in a cramped form of development that fails to respond positively to the inherent pattern of development that is typical to the character of the area.

5.3.3 In respect of the external appearance of the dwelling, the timber-clad nature of the proposal along with its siting and external appearance fails to respond positively to the character or elevational language of the dwellings of which it is read in context with, resulting in the building appearing both incongruous and anomalous being at significant visual odds with nearby built-form.

5.3.4 As such and taking account of the above, it is considered that the proposal results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy. Particularly insofar that the dwelling, by virtue of its external appearance and site configuration, which fails to respond positively to the inherent pattern of development or character of nearby dwellings found in the vicinity, results in significant measurable adverse impacts upon the character and visual amenities of the area.

5.4 Landscape and Ecology:

5.4.1 Given the application is retrospective in nature with all operational development having been carried out, no assessment can be made in respect of the potential impacts upon habitat, trees nor species of conservation concerns, with no requirement for the applicant to provide mitigation in these respects.

5.4.2 As such and taking account of the above, the proposal does not raise any significant measurable conflict(s) with Policies DME1, DME2 nor DME3 of the Ribble Valley Core Strategy which seek to protect against adverse impacts upon habitat, biodiversity, ecology or protected species and species of conservation concern.

5.5 Highway Safety and Accessibility:

5.5.1 The Local Highways Authority (LHA) have raised concerns in respect of the suitability of the existing access and its ability to accommodate further cumulative vehicular movements concluding that:

While the proposal intends to utilise the existing access onto Wiswell Lane, it presents challenges due to the substandard width and limited visibility. Historical concerns raised by the local highway authority regarding the intensification of use have not been fully addressed.

The addition of further dwellings exacerbates these issues. Although the internal layout complies with parking standards and demonstrates vehicle manoeuvrability within the site, the practical implementation remains challenging given the limited space and the critical necessity for vehicles to enter and exit in forward gear. Comprehensive improvements to the access are constrained by third-party ownership, further consideration to meet the Local Highway Authority's guidance and ensure safe and efficient traffic flow for all residents would be beneficial.

5.5.2 Taking account of the above, the proposal is considered to conflict with the requirements of Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy insofar that it has not been adequately demonstrated that the existing access and internal access track can accommodate further cumulative vehicular movements without resulting in detriment to the safe operation of the immediate highway.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 For the reasons outlined above, the application is recommended for refusal insofar that the proposal results in adverse impacts upon the character and visual amenities of the area. Particularly by virtue of the creation of a discordant and anomalous pattern of development. Furthermore the development would intensify use of an existing unsafe access onto Wiswell Lane.

RECOMMENDATION: That the application be REFUSED for the following reasons:

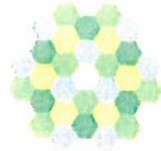
1. The proposal results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that the dwelling, by virtue of its external appearance and site configuration, which fails to respond positively to the inherent pattern of development or character of nearby dwellings found in the vicinity, results in significant measurable adverse impacts upon the character and visual amenities of the area.
2. The proposal is considered to conflict with the requirements of Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy insofar that it has not been adequately demonstrated that the existing access and internal access track can accommodate further cumulative vehicular movements without resulting in detriment to the safe operation of the immediate highway.

BACKGROUND PAPERS

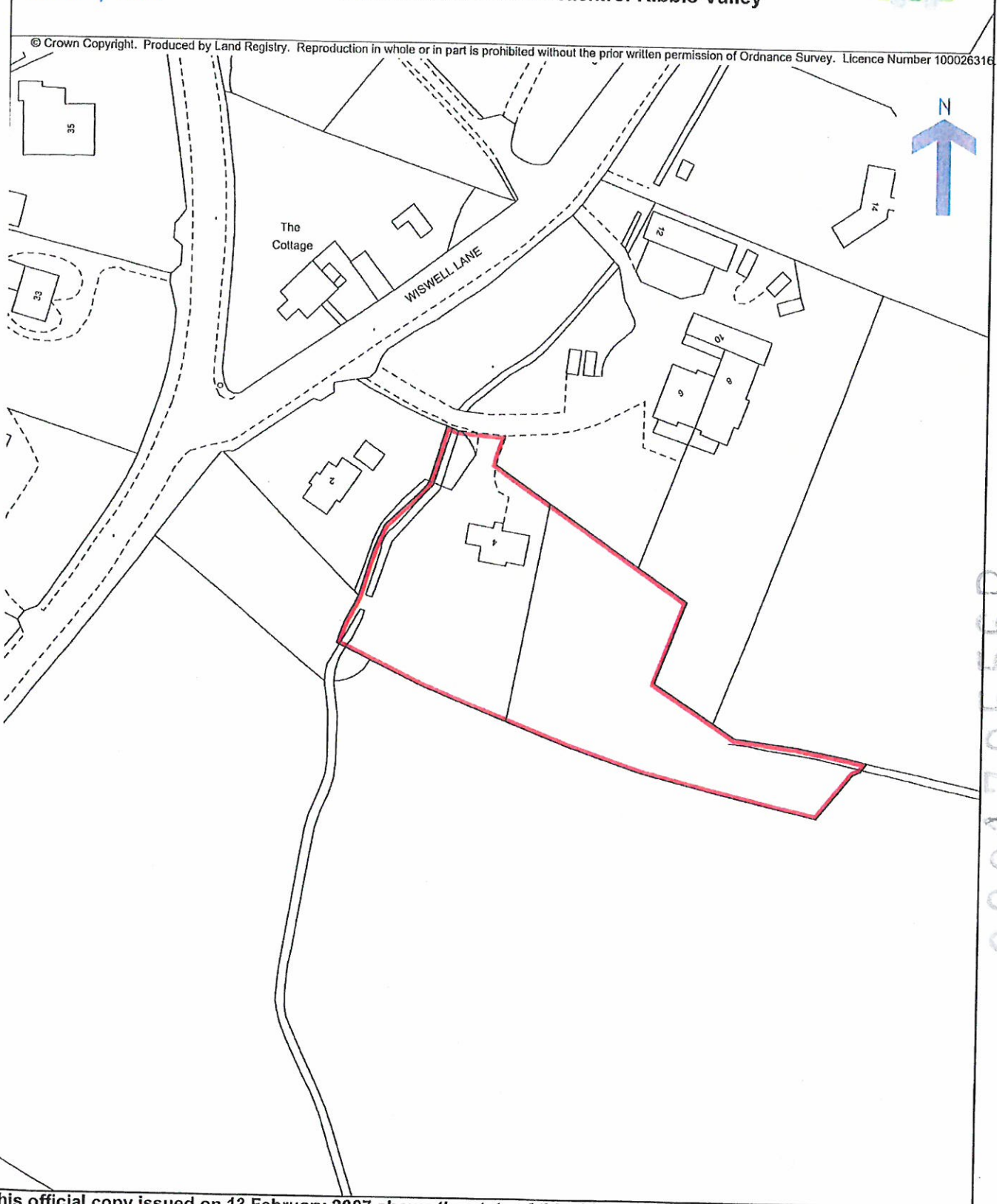
[Planning Application - Ribble Valley Borough Council](#)

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Appendix C – Certificate of Lawfulness (Ref: 3/2017/0556) Site Location Plan



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320170556P

This official copy issued on 13 February 2007 shows the state of this title plan on 13 February 2007 at 13:21:09. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 7 - Title Plans. This title is dealt with by Land Registry, Lancashire Office.

Appendix D – Officers Report for planning permission at 4b Wiswell Lane (Ref: 3/2020/0006)

Report to be read in conjunction with the Decision Notice.

Signed:	Officer: SK	Date: 11.3.20	Manager:	Date:
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Application Ref:	3/2020/0006	 <p>Ribble Valley Borough Council www.ribblevalley.gov.uk</p>
Date Inspected:	12/03/20	
Officer:	SK	
DELEGATED ITEM FILE REPORT:		APPROVAL

Development Description:	Proposed extension and erection of new single storey dwelling to replace existing residential caravan.
Site Address/Location:	4A Wiswell Lane Whalley Clitheroe BB7 9AF

CONSULTATIONS:	Parish/Town Council
No response received in respect of the application.	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	
No objections to the proposal subject to the imposition of conditions.	
CONSULTATIONS:	Additional Representations.
No representations received in respect of the application.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:
<p>Ribble Valley Core Strategy:</p> <p>Key Statement DS1 – Development Strategy Policy DMG1 – General Considerations Policy DMG3 – Transport and Mobility Policy DMG5 – Residential and curtilage extensions</p> <p>National Planning Policy Framework (NPPF)</p>
<p>Relevant Planning History:</p> <p>3/2018/1017: Proposed alterations and extension to existing property and erection of a detached garage. Erection of two four-bed detached dwellings with detached double garages. Resubmission of planning application 3/2018/0028. (Refused)</p> <p>3/2018/0028: Proposed alterations and extension to existing property and erection of a detached garage. Erection of two four-bed detached dwellings with detached double garages. (Withdrawn)</p> <p>3/2017/0556: Application for a lawful development certificate to cover for a change of use of land to residential use. (Approved)</p>

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to a domestic dwelling 4A Wiswell Lane and an associated area of residential curtilage located to the south-east of the dwelling. The site is located within the defined settlement of Whalley with vehicular access being provided at the north-western extents of the site directly off Wiswell Lane.

The existing dwelling is a semi-detached single-storey property which adjoins number 4 Wiswell Lane. The area is predominantly residential being typified by a wide range of dwellings, a number of which benefit from substantial residential curtilages. A newly completed housing development is located to the southern extents of the site, with dwellings that front Deer Park Crescent backing on to the shared southern boundary of the site.

Proposed Development for which consent is sought:

Consent is sought for a single-storey side extension to the existing dwelling and the erection of a single storey dwelling to the south-eastern extents of the garden area associated with the dwelling.

It is proposed that the side extension will be located on the east facing elevation of the existing dwelling benefitting from a footprint of 6.1m by 8.3m. The extension will benefit from an eaves and ridge height to match that of the existing dwelling, being rendered to match the existing primary facing material of the property.

The proposed new dwelling will be located at the south-eastern extents of the site with vehicular and pedestrian access being provided off the exiting access and via a newly created access track within the curtilage of the existing dwelling. The submitted details propose that the dwelling will be a 'courtyard' style single storey dwelling, being of a flat-roofed appearance and benefitting from a contemporary architectural language. It is proposed that the dwelling will be primarily timber-clad with a patio area being located on the south facing elevation of the property.

Principle of Development:

The application site is located within the Defined Settlement Boundary of Whalley. A fundamental component of Key Statement DS1 is to guide the majority of new housing development towards the principal settlements within the Borough, in this respect, notwithstanding other Development Management considerations, the proposal clearly conforms with and is considered to be in broad alignment with the overall aims of DS1 in that the development site is located wholly within the settlement boundary for Whalley, a defined principle settlement.

Impact Upon Residential Amenity:

Taking account of the southerly orientation of the extension and its relationship with nearby residential dwellings it is not considered that the proposed extension will result in any measurable or quantifiable harm to nearby existing residential amenity.

In respect of the proposed dwelling, taking account of the single storey nature of the property, the internal configuration of habitable rooms and their associated primary windows it is clear that the dwelling has been designed to minimise a southerly outlook to mitigate potential overlooking of the existing dwellings to the south.

In respect of the synergy between the existing and proposed dwelling and any potential impacts upon the amenities of occupiers of either dwelling, it is considered that the interface distances between the

properties are sufficient to ensure an adequate level of amenity for both parties.

As such it is not considered that the new dwelling or proposed side extension will have any measurable significant detrimental impact upon existing or future residential amenities.

Visual Amenity/External Appearance:

The proposed side extension is of a scale and design that is both commensurate with and sympathetic to the scale and external appearance of the existing dwelling. In this respect it is not considered that the proposed extension will undermine the character or visual amenities of the area or the parent building.

It is accepted that the proposed dwelling is uncompromisingly contemporary in its elevational language and overall configuration and as such does not directly relate to the inherent character of dwellings found within the vicinity. However, given the location of the dwelling and that it will not be afforded any visibility from the public realm it is not considered that it will result in any detrimental impact upon the character or visual amenities of the area.

Landscape/Ecology:

The application has been accompanied by a brief bat survey which clarifies that the proposal is unlikely to have any impact upon protected species or species of conservation concern.

An arboricultural constraints appraisal has also been submitted in respect of a number of trees that exist on site. The appraisal identifies that all trees will be retained with only works proposed to an existing grouping involving a reduction in height to form a hedge.

Observations/Consideration of Matters Raised/Conclusion:

It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval.

RECOMMENDATION: That planning consent be granted subject to the imposition of conditions.

Appendix E – Transport Technical Note, Eddison’s

Retrospective Planning Application for a Single Dwelling 4A Wiswell Lane, Whalley

Introduction

- 1 Eddisons has been instructed by John Atherton to provide highways and transport advice on a retrospective planning application for a single dwelling at 4A Wiswell Lane, Whalley.
- 2 The site is located along a looped private road that forms two access points onto Wiswell Lane; this currently serves six properties (house numbers 4, 4A, 6, 8, 10 and 12). The property for which retrospective planning is sought is located within the boundary of property 4A, access to which is gained via the private road's southern access point.

Access by Sustainable Modes of Transport

- 3 The site benefits from being accessible by foot. The private road is a shared surface that connects to the existing footway located along the south-eastern side of Wiswell Lane. This in turn connects to the wider pedestrian network, including the footways along either side of Clitheroe Road.
- 4 The existing pedestrian infrastructure provides the opportunities for the residents to travel to and from the site by foot. The footways provide safe routes to the amenities available in the centre of Whalley, predominantly located along King Street.
- 5 The 800 metre and 2 kilometre catchments displayed on **Plan 1** show that the entirety of Whalley is within walking distance of the application site. Moreover, Plan 1 shows there is a variety of amenities in close proximity to the site such as Oakhill Leisure Centre, Oakhill School & Nursery, Whalley Sub Post Office, The Dog Inn, Co-op Food, Sabden & Whalley Medical Group, along with various cafes and shops.
- 6 There are bus stops available along Clitheroe Road, circa 350m from the application site, which provide access to the bus services 15, 22 Valleyline, 64, 280, 995, and M2 Mainline.

- 7 Whalley train station is also located along Station Road, which is circa 900m south-west of the application site. This offers 2 services an hour to destinations including Clitheroe, Blackburn, Bolton, Salford Crescent/Central, Manchester Victoria and Rochdale, and therefore provides the opportunity for residents to travel to and from the site by train.

Car Parking

- 8 Car parking standards are set out in the Joint Lancashire Structure Plan. This advises that the baseline standard for 'Family Housing' of 2-3 bedrooms is 2 parking spaces.
- 9 An area is available adjacent to the dwelling that can accommodate at least 2 parking spaces. This is demonstrated in **Appendix 1**, which also includes swept path analysis to demonstrated how the spaces can be accessed.

Servicing

- 10 As shown in **Figure 1**, the properties that reside on the private road bring their bins to the end of their road for collection from refuse vehicles that collect off of Wiswell Lane.



Figure 1 Existing Refuse Collection

- 11 This demonstrates that the application site can be appropriately serviced by refuse collections from Wiswell Lane.

Increase in Traffic

- 12 In order to predict the likely levels of traffic that would occur as a result of the proposed residential element, reference has been made to the trip rates derived for North-West Preston.
- 13 A summary of these trip rates is included in Table 1, below.

Mode	Period	Trip Rate		
		Arr	Dep	2-way
Vehicle	AM Peak Hour	0.140	0.445	0.585
	PM Peak Hour	0.437	0.226	0.663

Table 1 Proposed Residential Development Trip Rates

- 14 Based on the above, it can be concluded that the proposed dwelling will result in 1 two-way trip during the weekday AM and PM peak periods. Such increases in traffic will be imperceptible.

Accident Analysis

- 15 In order to consider the potential impact of the retrospectively proposed site on road safety, a review of the site using the CrashMap website (www.crashmap.co.uk) has been undertaken.

- 16 CrashMap uses data collected by the police, and subsequently recorded, using the Stats 19 collision reporting form. The data provides detailed road safety data about the circumstances of personal injury road collisions in Great Britain, the types of vehicles involved and the consequential casualties. This data is approved by the National Statistics Authority and reported on by the Department for Transport each year. The Crashmap site uses Stats19 data obtained directly from official sources but compiled in an easy to use format showing each incident on a map.
- 17 By reference to **Figure 2**, below, it can be seen that there have been no accidents along the private road or along the section of Wiswell Lane in the vicinity of the site, between the years of 2018 and 2022. Accident data from 2023 has yet to be verified and has not been included.

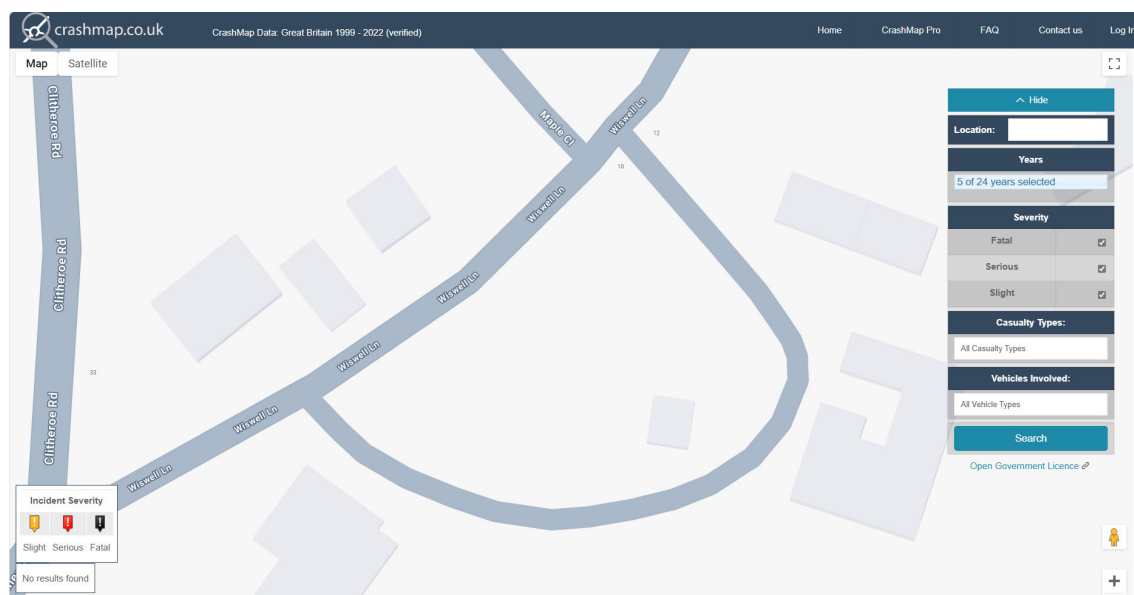


Figure 2 Extract from CrashMap

- 18 In view of this information it can be concluded that the local highway network in the vicinity of the site does not have an unduly poor safety record and is essentially operating safely when considering the volumes of traffic the local highway network accommodates and the severity of accidents that have occurred.

- 19 It is acknowledged that a previous application (App Ref 3/2018/1017) was submitted, which proposed two detached dwellings, one of which was positioned on the current application site. The application was refused and included the following reason for refusal:

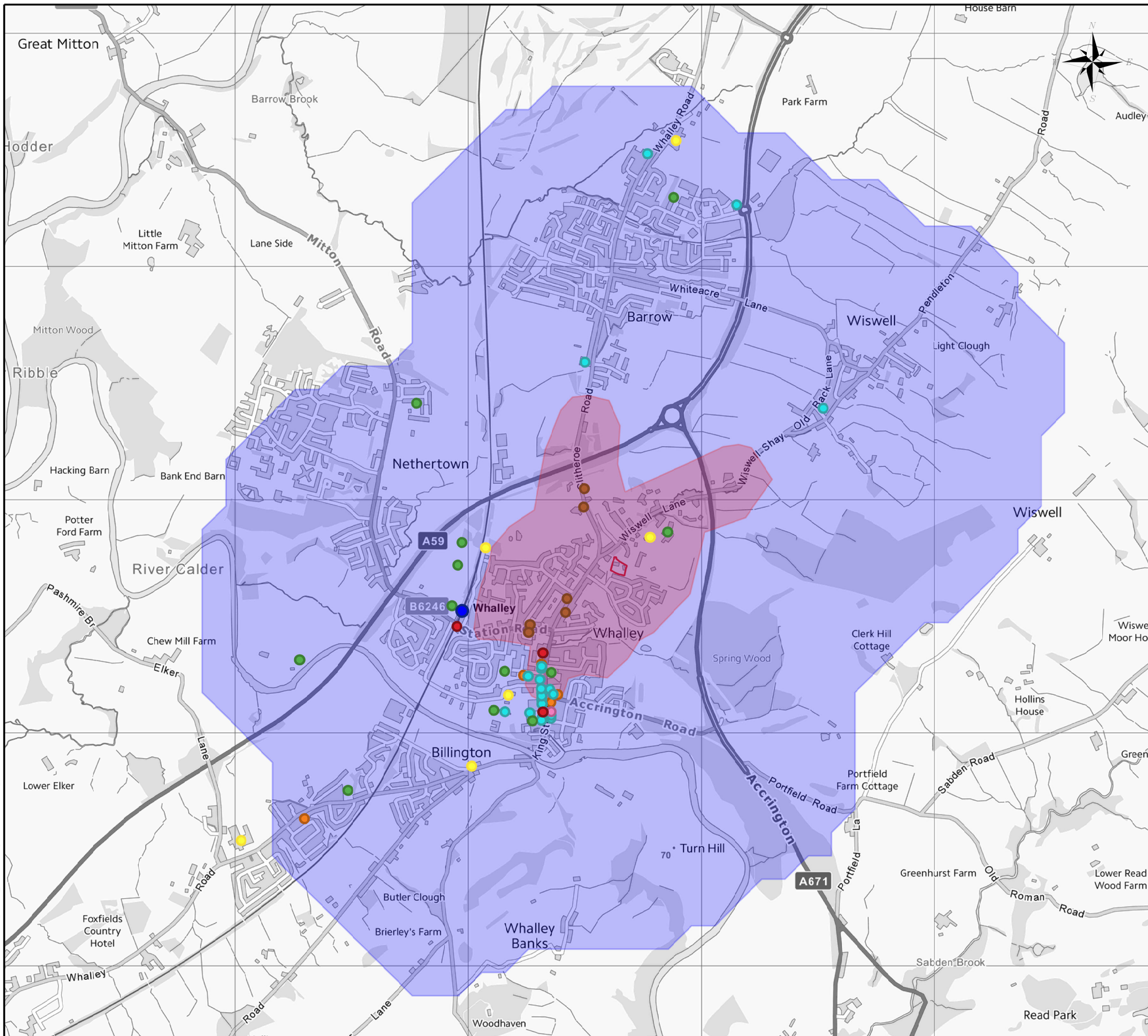
'The applicant has not provided any evidence to suggest that it is within their control to provide the required improvements at the site entrance/access onto Wiswell Lane and the existing access/entrance is not considered to be sufficient for the additional vehicular movements that would be generated by this proposal. The existing access/entrance is considered to be unsuitable for the proposed development and represents a highway safety concern which would be contrary to Ribble Valley Core Policy DMG1, as well as the relevant sections of the National Planning Policy Framework.'

- 20 Notwithstanding the current application is for a single dwelling, given this is a retrospective planning application and the historical accident statistics demonstrate there has been no PICs following its construction, it is demonstrably the case that the additional dwelling, and any associated increase in traffic movement associated with it, have not had an adverse effect on the safety of the local highway network.

Conclusions

- 21 This note has considered the highways and transport issues relating to the retrospective planning application for a single dwelling at 4A Wiswell Lane, Whalley.
- 22 The following conclusions have been drawn:
- The site is located within a sustainable location, which provides the opportunity for journeys to and from the site to be undertaken by sustainable modes of travel;
 - By reference to historical accident statistics, it is demonstrably the case that the dwelling, and any associated increase in traffic movement associated with it, have not had an adverse effect on the safety of the local highway network; and
 - The proposals will not result in a severe impact on the local highway network.
- 23 Based on the above, it is concluded that the development accords with the NPPF and, as such, there is no reason why the proposed development should not be granted planning consent on highways or transportation grounds.

PLANS



NOTES

- Site Location
- 800m Pedestrian Catchment
- 2km Pedestrian Catchment
- Nearest Train Station
- Nearest Bus Stops
- Education
- Sport/Leisure/Park
- Medical/Healthcare
- Post Box/Post Office
- Café/Takeaway/Public House
- Supermarket/Local Food Store

REV	DETAILS	DRAWN	CHECKED	DATE

CLIENT: **ATHERTONS PROPERTY & LAND**

PROJECT: **4A WISWELL LANE, WHALLEY**

DRAWING TITLE: **800M & 2KM PEDESTRIAN CATCHMENT WITH AMENITIES**

SCALES: **NTS @ A3**

DRAWN: GW	CHECKED: TSB	DATE: 25.07.24
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Eddisons
 340 Deansgate
 Manchester
 M3 4LY
 Email: info@crofts.co.uk
 Tel: 0161 837 7380
 Web: www.ecdisons.com/services/transport-planning-highway-design

DRAWING NUMBER: 4479-03	REVISION: -
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Z:\projects\4479 4A Wiswell Lane, Whalley\GIS\Workspaces\4479-03.dwg

APPENDICES

APPENDIX 1

Swept Path Analysis

Z:\projects\4479 4A Wiswell Lane, Whalley\CAD\EDDISONS DRAWINGS\4479 - SP01.dwg



NOTES

Medium Sized Car
 Overall Length 4.319m
 Overall Width 1.686m
 Overall Body Height 1.466m
 Min Body Ground Clearance 0.228m
 Max Track Width 1.591m
 Lock to lock time 4.00s
 Kerb to Kerb Turning Radius 5.042m

REV **DETAILS** **DRAWN** **CHECKED** **DATE**

CLIENT:
**ATHERTONS
 PROPERTY & LAND**

PROJECT:
4A WISWELL LANE, WHALLEY

DRAWING TITLE:
**SWEPT PATH ANALYSIS:
 MEDIUM SIZED CARS**

SCALES:
SCALE @ A3

DRAWN: GW **CHECKED:** TR **DATE:** 01.10.2024

Eddisons
 340 Deansgate
 Manchester
 M3 4LY

Email: info@crofts.co.uk
 Tel: 0161 837 7380
 Web: www.eddisons.com/services/transport-planning-highway-design

DRAWING NUMBER: 4479-SP01 **REVISION:** -

Eddisons

Appendix F – LCC Highways Consultee Response

Ribble Valley Borough Council
Council Offices
Church Walk,
Clitheroe
Lancashire
BB7 2RA

Phone: 0300 123 6780
Email: Kathryn.Walsh@lancashire.gov.uk
Your ref: 3/2024/0851
Our ref: 3/2024/0851/HDC/KW
Date: 28 November 2024

Location: 4a Wiswell Lane Whalley BB7 9AF
Proposal: Retrospective planning application for the retention of a single dwelling house and associated parking, soft and hard landscaping and associated works.
Grid Ref: 373644 436723

Dear Stephen Kilmartin

With regard to your consultation letter dated 7 November 2024, I have the following comments to make based on all the information provided by the applicant to date and after undertaking a site visit.

Summary

Lancashire County Council acting as the Local Highway Authority raises concerns over the proposed development as it will result in an increase to the traffic flow at the access point to the site off Wiswell Lane.

Advice to Local Planning Authority

Introduction

The Local Highway Authority (LHA) are in receipt of an retrospective application for the retention of a single dwelling house and associated parking, soft and hard landscaping and associated works. The LHA are aware of the planning history at the site with it being listed below:

3/2023/0180 - Erection of single storey dwelling with solar panels on the roof and air source heat system together with landscaped (patio) areas (amendments to planning permission 3/2021/0991). Refused 16/05/2023.

3/2022/0992- Non Material Amendment of 3/2021/0991. Proposed increase in size of the study, still within the overall footprint of the site. Remove skylight in the lounge and replace with obscure window. Refused 01/12/2022.

3/2022/0298- Amendment to planning permission 3/2021/0991 to move the garage 1.5m closer to the house and to reduce the width by 600mm. Permitted 21/04/2022.

3/2021/0991- Revisions to the proposed single storey dwelling of the previously approved application (3/2020/0006), amendments include roof overhang to south facing

Continued...

Lancashire County Council
PO Box 100, County Hall, Preston, PR1 0LD



terrace/walkway and west facing patio. Internal reconfigurations, inclusion of study, amendment to entrance lobby, additional rooflight to living room, solar panels located on the roof and inclusion of air source heat recovery system. The application boundary has been revised to exclude the existing bungalow. The proposal also includes the construction of one double garage. Permitted 23/11/2021.

3/2020/0006- Proposed extension and erection of new single storey dwelling to replace existing residential caravan. Permitted 12/03/2020.

3/2018/1017 - Proposed alterations and extension to existing property and erection of a detached garage. Erection of two four-bed detached dwellings with detached double garages. Resubmission of planning application 3/2018/0028. Refused 27/02/2019

Site Access

The proposal will utilise an existing private access track which leads onto Wiswell Lane, which is an unclassified road subject to a 30mph speed limit. The access onto Wiswell Lane is approximately 3.5m wide and onsite observations noted that the access has a limited visibility splay due to the existing boundary walls which appear to be over 1m tall and vegetation situated at either side of the access.

In 2018 in response to planning applicant 3/2018/1017, which proposed to increase the number of dwellings within the land of 4A Wiswell Lane from one dwelling to 3 the local highway authority raised concerns over the intensification of the use of a substandard access.

Since 2018, planning permission was granted for one additional dwelling on the site under application 3/2020/0006. However, this did not address the concerns previously raised regarding the intensification of the use of the access.

The current proposal will result in 3 separate dwellings on the wider site, 4A, the dwelling approved under application 3/2020/0006 and the retention of the proposal. Increasing the number of dwellings using the access onto Wiswell Lane. There are also 6 existing dwellings which currently use the private access track to access Wiswell Lane. With the proposal, there would be a total of 9 dwellings using the private access track which is also limited in width and does not support two-way movement, along with the access which does not meet current standards.

Whilst there are two access's for the private access track, the one closest to 4A Wiswell is the most preferred access to use due to its positioning and width in comparison to the other access. On-site observations did not note any formalised one-way system on the private access track.

In line with the LHA's guidance the access onto Wiswell Lane should be at least 5.5m wide for at least 5m into the site to accommodate safe and efficient two-way traffic flow for residents and emergency vehicles. However, the access from Wiswell Lane is considerably narrower than this required width and therefore is substandard. The LHA are aware that the access falls within third-party ownership which precludes any potential improvements to the access. There is also a concern that the access's visibility is unlikely to meet current standards.



Internal Layout

The LHA has reviewed drawing number 6180 P01 titled Proposed Site Plan and are aware that the dwelling complies with the LHAs parking standards as defined in the Joint Lancashire Structure Plan. Supplementary to this a swept path analysis has been included within the Highway Technical Note (Appendix A) provided by the applicant showing that vehicle can turn within the site. While this option is technically possible, implementing it successfully in practice may be challenging due to the limited space available within the parking area. Given the limited width of the private access track and the nature of the access onto Wiswell Lane entering and exiting the site in forward gear is essential.

Conclusion

While the proposal intends to utilise the existing access onto Wiswell Lane, it presents challenges due to the substandard width and limited visibility. Historical concerns raised by the local highway authority regarding the intensification of use have not been fully addressed. The addition of further dwellings exacerbates these issues. Although the internal layout complies with parking standards and demonstrates vehicle manoeuvrability within the site, the practical implementation remains challenging given the limited space and the critical necessity for vehicles to enter and exit in forward gear. Comprehensive improvements to the access are constrained by third-party ownership, further consideration to meet the Local Highway Authority's guidance and ensure safe and efficient traffic flow for all residents would be beneficial.

Yours sincerely

Kate Walsh

Assistant Engineer
Highway Development Control
Highways and Transport
Lancashire County Council
T: 01772 533235
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