

# Public Document Pack



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT** Committee will be held at **6.30 pm** on **THURSDAY, 20 OCTOBER 2022** in the **Council Chamber**.

I do hope you can be there.

Yours sincerely

*M. H. Scott*

CHIEF EXECUTIVE

## AGENDA

1. **APOLOGIES FOR ABSENCE**
2. **TO APPROVE THE MINUTES OF THE PREVIOUS MEETING** (Pages 5 - 8)
3. **DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON REGISTRABLE INTERESTS**

Members are reminded of their responsibility to declare any disclosable pecuniary, other registrable or non-registrable interest in respect of matters contained in the agenda.

4. **PUBLIC PARTICIPATION**

### **ITEMS FOR DECISION**

5. **PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990** (Pages 9 - 10)

Report of the Director of Economic Development and Planning – copy enclosed

- i) Planning Application 3/2022/0637 - Keepers Cottage, (Pages 11 - 20)  
Northcote Road, Langho, BB6 8DB
- ii) Planning Application 3/2022/0857 - Croasdale Farm, 1 (Pages 21 - 30)  
Whinney Lane, Langho, BB6 8DQ

6. **ARCHAEOLOGICAL ADVICE** (Pages 31 - 50)

Report of Director of Economic Development and Planning enclosed.

7. **HOUSING LAND EVIDENCE UPDATE** (Pages 51 - 54)

Report of Director of Economic Development and Planning enclosed.

8. **PLANNING ENFORCEMENT POLICY 2022 - 2025** (Pages 55 - 78)

Report of Chief Executive enclosed.

**ITEMS FOR INFORMATION**

9. **RIBBLE VALLEY LOCAL PLAN UPDATE** (Pages 79 - 80)

Report of Director of Economic Development and Planning enclosed.

10. **CAPITAL MONITORING 2022/23** (Pages 81 - 88)

Report of Director of Resources enclosed.

11. **REVENUE MONITORING 2022/23** (Pages 89 - 96)

Report of Director of Resources enclosed.

12. **APPEALS (IF ANY)** (Pages 97 - 114)

Appeals update.

3/2021/0979 – extension to residential dwelling (unit 5) and erection of garage a garage and car port at New Drop, Stoneygate Lane, Ribchester, PR3 2XE – appeal allowed.

3/2021/1020 – development of land without complying with conditions subject to which a previous planning permission was granted – construction of 15 eco-lodges and infrastructure at Eaves Hall, West Bradford – appeal dismissed.

3/2021/1028 – replacement windows with new single glazed sliding slash, external redecoration including the removal of modern paints from render and stonework, reinstatement of timber canopy and internal alterations associated with thermal upgrades, new bathroom, and kitchen reconfiguration at 11 Railway View Road, Clitheroe, BB7 2HE – appeal dismissed.

13. **MINUTES OF WORKING GROUPS**

None.

**14. REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES**

None.

**15. EXCLUSION OF PRESS AND PUBLIC**

None.

Electronic agendas sent to members of Planning and Development – Councillor Alison Brown (Chair), Councillor Anthony (Tony) Austin, Councillor Ian Brown, Councillor Stella Brunskill JP, Councillor Robert (Bob) Buller, Councillor Stuart Carefoot, Councillor Judith Clark (Vice-Chair), Councillor Louise Edge, Councillor Kerry Fletcher, Councillor Mark French, Councillor Brian Holden, Councillor Kevin Horkin MBE, Councillor Simon O'Rourke, Councillor James (Jim) Rogerson and Councillor Richard Sherras.

Contact: Democratic Services on 01200 414408 or [committee.services@ribblevalley.gov.uk](mailto:committee.services@ribblevalley.gov.uk)

This page is intentionally left blank

## Minutes of Planning and Development

Meeting Date: Thursday, 22 September 2022, starting at 6.30 pm  
Present: Councillor A Brown (Chair)

Councillors:

T Austin	M French
I Brown	K Horkin
S Brunskill	S O'Rourke
B Buller	J Rogerson
J Clark	R Sherras
K Fletcher	

In attendance: Director of Economic Development and Planning and Head of Legal and Democratic Services

Also in attendance: Councillors J Alcock and S Fletcher

294 APOLOGIES FOR ABSENCE

Apologies for absence for the meeting were received from Councillors S Carefoot, L Edge and B Holden.

295 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 25 August 2022 were approved as a correct record and signed by the Chairman.

296 DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

Councillor K Horkin declared he owned business premises in Clitheroe.

297 PUBLIC PARTICIPATION

Mr Cunliffe spoke on agenda item 6 – Greystones and Longfield, Waddington Road, Clitheroe Tree Preservation Order 2022.

298 PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990

299 PLANNING APPLICATION 3/2022/0469 - THE WARREN, HURST GREEN, BB7 9QH

RESOLVED that the application be refused for the following reasons:

1. The proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Adopted Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, located outside of a defined settlement boundary, without sufficient justification. It has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposal would meet any of the exception criterion inherently contained within either policy.

2. The proposal is considered to be in direct conflict with Key Statement EN2 and Policy DMG1 of the Adopted Ribble Valley Core Strategy insofar that the introduction of built form and resultant quantum of development in this location, would result in a level of development that would appear both anomalous and incongruous, undermining the character and visual amenities of the immediate area and that of the Forest of Bowland Area of Outstanding natural beauty.

(Mrs Quinn-Jones spoke in favour of the above application. Cllr J Alcock spoke on the above application)

300

PLANNING APPLICATION 3/2022/0481 - SITE OF FORMER PACK HORSE GARAGE, MELLOR BROW, MELLOR, BB2 7PL

The Director of Economic Development and Planning updated members with late information regarding a location plan and additional letter of representation.

RESOLVED that the application be refused for the following reasons:

1. The proposal is considered to be in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that the proposed development would result in significant measurable harm to the residential amenities of the occupiers of numbers 3-5 'The Willows' by virtue of direct overlooking, from elevated positions from habitable room windows, within close proximity which would afford direct views into the private residential garden areas and habitable rooms of the affected dwellings. As such the proposal would significantly undermine and diminish the sense of privacy enjoyed by occupiers of the existing properties. It is further considered that the proposal would prove harmful to existing residential amenities by virtue of its overall scale and proximity to the affected dwelling, resulting in a significant undue and unsympathetic overbearing impact upon.
2. The proposed development, by virtue of its overall design, scale and elevational language, would result in the introduction of an incongruous, unsympathetic, and discordant form of development, of an overtly suburban appearance, that fails to respond positively to the inherent visual character of the area or the inherent defining characteristics of the immediate streetscene. As such the proposal is considered to be in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework insofar that the proposed development would be of significant detriment to the character and visual amenities of the area.
3. The proposed development is considered to be in direct conflict with Policy DMG3 of the Ribble Valley Core Strategy insofar that the proposed site arrangement precludes the ability for vehicles to adequately manoeuvre and park safely within the site.

(Cllr S Brunskill spoke on the above application as ward councillor, then left the meeting and took no part in the debate or vote)

301

PLANNING APPLICATION 3/2022/0672 - LAND OFF WHALLEY ROAD, MELLOR BROOK, BB2 7HY

The Director of Economic Development and Planning updated members with information regarding a revised Tree Protection report and the consultation response from LCC who had no objections.

RESOLVED that the application be refused for the following reasons:

1. The proposal is considered to be in direct conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the Adopted Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, located outside of a defined settlement boundary, without sufficient justification - insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposal would meet any of the exception criterion inherently contained within either of the policies.
2. The proposed dwellings, by virtue of their elevated nature, overall footprint, and forward projection relative to the adjacent residential development to the west, would result in the introduction of an incongruous and discordant form of development that fails to respond to nearby inherent patterns of development. As such the proposal is considered to be in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework insofar that the proposed development would be of significant detriment to the character and visual amenities of the area.

(Cllr S Brunskill spoke on the above application as ward councillor, then left the meeting and took no part in the debate or vote. Matthew Wyatt spoke in favour of the above application)

(Cllr S Brunskill returned to the meeting before the next item of business)

302

PLANNING APPLICATION 3/2022/0742 - 7 ACCRINGTON ROAD, WHALLEY, BB7 9TD

RESOLVED that the application be refused for the following reasons :

1. Condition 2 can neither be partially nor fully discharged insofar that the development, particularly the elevational configuration, has not been carried out in strict accordance with the approved details pursuant to planning approval ref: 3/2017/0633. It is further considered that the cumulative level of deviation from the approved details goes beyond that which can be reasonably considered under the provisions of S73 of the Town and Country Planning Act 1990.

Given the deviation from the approved plans the building, as constructed, technically does not benefit from planning permission. As such, these such matters should be regularised via the submission of a Section 73A application.

2. The proposal is considered to be in direct conflict with Key Statement EN5 and Policies DMG1 and DME2 of the Ribble Valley Core Strategy and Paragraph 135 of the National Planning Policy Framework in that approval would result in a diminished quality of development, comparative to that of the approved, resulting in a form of development that would fail to respond positively to the character of visual amenities of the area, being of detriment to the character and visual amenities of the defined Whalley Conservation Area

303

GREYSTONES AND LONGFIELD, WADDINGTON ROAD, CLITHEROE TREE PRESERVATION ORDER 2022 (7/3/19/229)

The Director of Economic Development and Planning submitted a report asking committee to consider whether the Greystones and Longfield, Waddington Road, Clitheroe Tree Preservation Order 2022 should be confirmed.

The Council's Countryside Officer had visited the site and carried out an evaluation following a request for a mature copper beech tree to be felled. The trees were

considered to be of visual amenity value to the locality, situated in a prominent position on the fringe of the Conservation Area within the town and were important to the wider tree-scape and a temporary TPO had been placed on two trees.

Committee were reminded that a TPO does not preclude tree work being carried out, but means an application is required to do so in order to protect the tree.

Members discussed this issue in some detail and understood that the owner had taken good care of T1 for many years and should be left to continue to do so.

#### RESOLVED THAT COMMITTEE

Agree to vary the Order's name and confirm the Greystones and Fairfield, Waddington Road, Clitheroe Tree Preservation Order 2022 in respect of Tree T2 only.

#### 304 WHALLEY COMMUNITY WOODLAND SECTION 106 MONIES

The Director of Economic Development and Planning submitted a report for information on Whalley Community Woodland, Calderstones Section 106 monies.

The Section 106 agreement for the planning permission granted on 11 February 2021 for demolition of 34 existing dwellings and construction of 50 new dwellings included an offsite contribution of £9,977.40 for improvements to the open space provision at Whalley Woodland.

£8,000 would be used to improve the woodland in respect of improvements to some sections of the footpath network and removal of trees with ash dieback.

#### 305 APPEALS (IF ANY)

3/2019/0877 – erection of 39 dwellings with landscaping and associated works, and access from adjacent development site at Land at the junction of Chatburn Road and Pimlico Link Road, Clitheroe, BB7 4JX – appeal dismissed, and planning permission refused.

#### 306 MINUTES OF WORKING GROUPS

There were no minutes of working groups.

#### 307 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

#### 308 EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 7.35 pm

If you have any queries on these minutes please contact the committee clerk, Olwen Heap 01200 414408 [olwen.heap@ribblevalley.gov.uk](mailto:olwen.heap@ribblevalley.gov.uk).

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 20 OCTOBER 2022  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

### PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

<u>INDEX OF APPLICATIONS BEING CONSIDERED</u>				
	<u>Application No:</u>	<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
<b>A</b>	<b>APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS/REASONS FOR REFUSAL</b>			
	NONE			
<b>B</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:</b>			
	NONE			
<b>C</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:</b>			
	3/2022/0637	BT	REF	Keepers Cottage, Langho, BB6 8BD
	3/2022/0857	SK	REF	Croasdale Farm, 1 Whinney Lane, Langho, BB6 8DQ
<b>D</b>	<b>APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED</b>			
	NONE			
<b>E</b>	<b>APPLICATIONS IN 'OTHER' CATEGORIES:</b>			
	NONE			

#### **LEGEND**

AC Approved Conditionally	AD Adrian Dowd	KH Kathryn Hughes
REF Refused	MW Mark Waleczek	SK Stephen Kilmartin
M/A/R Minded to Approve / Refuse	SH Sarah Heppell	BT Ben Taylor

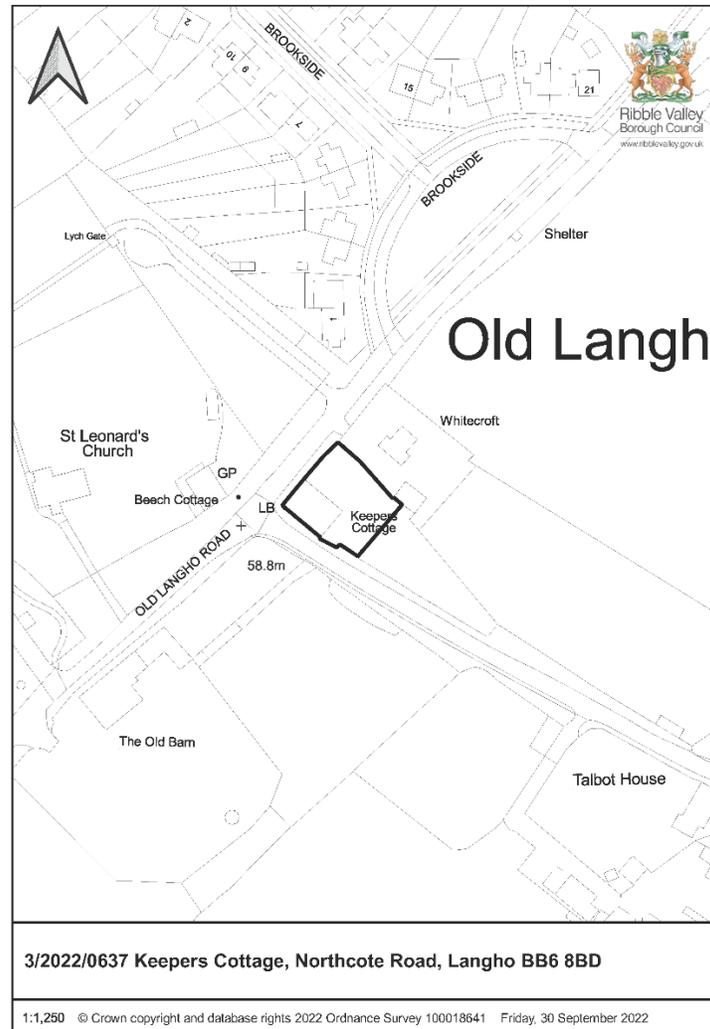
This page is intentionally left blank

**APPLICATION REF: 3/2022/0637**

GRID REF: SD 370193 435852

**DEVELOPMENT DESCRIPTION:**

PROPOSED ALTERATIONS AND EXTENSIONS TO EXISTING B&B PREMISES TO CREATE AN 8 BED BOUTIQUE HOTEL WITH ON-SITE PARKING AND IMPROVED LANDSCAPING AT KEEPERS COTTAGE, NORTHCOTE ROAD, LANGHO, BB6 8BD



**CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

**PARISH COUNCIL:**

Billington & Langho Parish Council: concerns raised with regards to the visual impact of the proposal and its impact upon the surrounding highway network. Doubts also raised with regards to the need for additional visitor accommodation within the immediate area.

## **LANCASHIRE COUNTY COUNCIL HIGHWAYS:**

No objections subject to conditions.

## **UNITED UTILITIES:**

Consulted 2/9/22: no response to date.

## **RVBC ENVIRONMENTAL HEALTH:**

No objections subject to conditions.

## **RVBC COUNTRYSIDE:**

No objections subject to conditions.

## **ADDITIONAL REPRESENTATIONS:**

None.

### **1. Site Description and Surrounding Area**

- 1.1 The application site is situated on the junction between Northcote Road and Old Langho Road and lies approximately 2 kilometres to the North of Langho village centre on the Southern edge of Brockhall village. The application site comprises a triangular land parcel with Keepers Cottage occupying the North-western corner of the site.
- 1.2 Keepers Cottage is a two storey property of modest height comprising a cross gabled slate roof, rendered elevations and UPVC doors and windows. The South-western and North-western elevations of the cottage abuts the North-eastern and South-eastern edges of Northcote Road and Old Langho Road respectively.
- 1.3 The original property has been previously extended by way of a two storey extension to its North-eastern elevation and a single storey extension to its South-east elevation. Further additions to the premises include a conservatory and single storey porch to the premises South-eastern and North-eastern elevations respectively.
- 1.4 Keepers Cottage has operated as a bed and breakfast establishment for a number of years however there is no record of any planning consent having ever been granted for a C1 use class at the property.
- 1.5 The South-eastern half of the application site comprises undeveloped land for which outline planning permission was previously approved for the erection of three holiday chalets. Vehicle and pedestrian access to the application site is via Old Langho Road.
- 1.6 Keepers Cottage shares a common boundary with the residential property of Whitecroft which is located approximately 25 meters away to the North-east. A small cluster of properties lies immediately to the East of the application site which include the Black Bull Inn, St. Leonards Church and three other residential dwellings. Brockhall Village lies immediately to the North of the application site. Further afield of the application site to the East, West and South comprises open countryside.

2. **Proposed Development for which consent is sought**

- 2.1 Consent is sought for the conversion of the existing bed and breakfast premises to create an 8 bedroom boutique hotel. The works proposed include increases to the height and footprint of the existing premises, the provision of an additional bedroom and new reception area and various internal alterations.

3. **Relevant Planning History**

3/2020/0234: Proposed landscaping and management plan for future maintenance. Condition 4 of Outline consent 3/2016/1204. (Approved with conditions)

3/2017/0662: Removal of condition 14 (restriction of business to Keepers Cottage) from planning permission 3/2016/1204. (Approved with conditions)

3/2017/0598: Removal of conditions 12 (letting restrictions and register) 13 (restriction to holiday use) and 14 (restriction of business to Keepers Cottage) from planning permission 3/2016/1204. (Withdrawn)

3/2016/1204: Outline consent for erection of three holiday chalets on land adj Keepers Cottage. (Approval is sought for access, appearance, layout and scale) (Approved with conditions)

3/2008/0034: Proposed construction of a single storey building forming three holiday let chalets. (Approved with conditions)

3/1999/0312: Erection of a conservatory (Approved with conditions)

4. **Relevant Policies**

*Ribble Valley Core Strategy (Adopted Version)*

Key Statement DS1: Development Strategy

Key Statement DS2: Presumption in Favour of Sustainable Development

Key Statement EC3: Visitor Economy

Key Statement EN5: Heritage Assets

Key Statement DMI2: Transport Considerations

Policy DMG1: General Considerations

Policy DMG2: Strategic Considerations

Policy DMG3: Transport And Mobility

Policy DME1: Protecting Trees And Woodlands

Policy DME4: Protecting Heritage Assets

Policy DMB1: Supporting Business Growth and the Local Economy

Policy DMB3: Recreation And Tourism Development

*National Planning Policy Framework*

*National Planning Practice Guidance*

## 5. **Assessment of Proposed Development**

### 5.1 **Principle:**

5.1.1 The application site is situated outside of the defined settlement boundaries of Langho and Brockhall Village and as such lies within the open countryside..

5.1.2 Policy DMG2 of the Ribble Valley Core Strategy allows for limited forms of development outside of the Borough's defined settlement areas with small scale tourism developments being one such exception.

5.1.3 Key Statement EC3 of the Core Strategy states:

*'Proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged, including the creation of new accommodation and tourism facilities through the conversion of existing buildings or associated with existing attractions.'*

5.1.4 In addition, Policy DMB3 allows for the development of tourism and visitor facilities on the basis of the proposed development being well related to an existing main settlement or village or to an existing group of buildings. The above policy also stipulates that such developments should be well related to the existing highway and public transport networks and be capable of accommodating the necessary car parking, service areas and appropriate landscaped areas.

5.1.5 In this instance, the proposal relates to the conversion of an existing premises that would be utilised for small scale tourism. The area surrounding the application site has a largely rural feel and technically lies within the open countryside however the application site is located immediately to the South of Brockhall Village within a small cluster of buildings comprised of residential dwellings, a public house and a church.

5.1.6 Furthermore, the application site has good connectivity to the surrounding highway network and is well served by public transport with two bus stops in the nearby vicinity on Old Langho Road.

5.1.7 Accordingly, the proposal would be largely compliant with Key Statement EC3 and Policies DMG2 and DMB3 of the Core Strategy and as such is considered to be acceptable in principle subject to a further assessment of material planning considerations.

### 5.2 **Residential amenity:**

5.2.1 The windows proposed for the North-eastern, North-western and South-western elevations of the hotel at ground and first floor level would be sited in a similar position to the premises existing ground and first floor level windows and would therefore not provide any new opportunities for overlooking.

5.2.2 The garden areas, ground floor terraces and first floor level balconies proposed for the South-eastern elevation of the hotel would face towards the South-eastern corner of the application site which has previously had planning consent granted for the development of three holiday chalets.

- 5.2.3 The first floor level balconies would be sited approximately 2.5 metres above ground floor level and approximately 15 metres away from the nearest approved holiday chalet. As such, there is potential for the proposed balconies to overlook the approved holiday chalet site however the approved plans from the consent granted for the adjacent holiday site show that the nearest holiday chalet to the proposed balconies would be well screened on its North-western elevation by a boundary hedge.
- 5.2.4 In addition, the two other holiday chalets approved within the adjacent site would be located approximately 40 – 50 metres away from the proposed balconies. Furthermore, it is not anticipated that use of the proposed South-eastern facing ground floor terraces and garden areas would result in unacceptable noise disturbances.
- 5.2.5 As such it is not considered that the proposed development would result in any loss of privacy or significant noise disturbance to visitors of the adjacent holiday site.
- 5.2.6 Notwithstanding the above, the applicant has failed to provide any conclusive supporting evidence to demonstrate that material operations were commenced in the specified time period in relation to approved reserved matters application 3/2020/0234. As such, the original planning consent granted for the adjacent holiday chalet site cannot be considered as extant in the absence of such information.
- 5.2.7 The proposed increases in height to the roof of the existing premises would more than likely lead to additional occurrences of overshadowing however desktop analysis shows that any additional overshadowing would solely occur within the confines of the application site.
- 5.2.8 The proposed development relates to the use of an existing premises with one additional bedroom to be added to the existing level of accommodation provided on site. As such, no significant increases in visitor levels to the application site are anticipated as a result of the proposed development.
- 5.2.9 The outdoor terrace proposed for the North-eastern elevation of the premises would serve a proposed bar area within the ground floor level of the hotel. The outdoor terrace would be located approximately 22 metres away from the adjacent neighbouring property of Whitecroft and approximately 25 metres away from the neighbouring property of Beech Cottage. Six car parking spaces are also to be sited directly on the common boundary shared with Whitecroft.
- 5.2.10 As such, the proposed bar, outdoor terrace and car parking area all have the potential to cause noise and artificial light disturbances to the neighbouring properties of Whitecroft and Beech Cottage.
- 5.2.11 Accordingly, additional planning conditions would need to be implemented to any future consent with regards to prohibiting amplified music and limiting hours of operation for the proposed bar area and outdoor terrace.

- 5.2.12 Further conditions to limit operational hours of on-site construction, site deliveries and for the control of dust would also need to be implemented to any future consent in order to further safeguard the amenity of the nearest neighbouring properties
- 5.2.13 In addition, there are several tall trees and hedges situated along the application site's North-eastern boundary which currently provide privacy screening between the application site and the adjacent neighbouring property of Whitecroft.
- 5.2.14 The application's proposed landscaping plan indicates that a new 1.2 m high timber fence is to be installed along the common boundary shared with Whitecroft. The landscaping plan also shows that all of the trees and hedges along this boundary are to be retained as part of the proposal.
- 5.2.15 Notwithstanding the above, given the proximity of the existing trees in relation to the location of the proposed vehicle parking spaces it is more than likely that the trees and hedges in question would be impacted in this instance.
- 5.2.16 As such, the removal of any of these trees and hedges would more than likely result in some loss of privacy and additional noise exposure to the adjacent neighbouring residents of Whitecroft. Furthermore, no tree constraints plan or arboricultural impact assessment has been submitted with the application.

### 5.3 Visual amenity:

- 5.3.1 Keepers Cottage is a modestly sized two storey property with its unadorned linear features, low internal ceilings and unimposing roof height reflecting the predominantly rural vernacular of buildings within the immediate and wider area. The footprint of the premises has been extended over the years however for the most part the property has retained its unassuming and largely rural character.
- 5.3.2 The existing built form within the immediate vicinity of Keepers Cottage is equally modest in terms of height and footprint with the immediately adjacent neighbouring property of Whitecroft comprising a two storey property of similar height to Keepers Cottage. Beech Cottage, which lies almost directly opposite to Keepers Cottage, is a significantly smaller bungalow property comprised of the same unadorned linear features as Keepers Cottage and Whitecroft.
- 5.3.3 The residential properties on Brookside to the North-east are marginally larger than Keepers Cottage in terms of height however all these properties comprise a simple linear box design underpinned by a modest footprint.
- 5.3.4 Black Bull Farm, The Barn and the Black Bull Inn which lie further to the West of the application site all exceed Keepers Cottage in terms of height but still bear the same external features as the application property in terms of their unadorned linear elevations and linear gabled roof design.
- 5.3.5 The proposed development comprises significant alterations to the existing premises. These alterations include increases of up to 2.5 metres to the height of the existing premises and an increase of 40% to the existing footprint of the premises which in turn would add an additional 180m<sup>2</sup> of internal floor space to the property.

- 5.3.6 Further additions to the premises include a large heavily glazed projecting two storey gabled entrance feature to the North-eastern elevation of the premises and the addition of three large projecting two storey gable features to the South-eastern elevation of the premises.
- 5.3.7 The application premises is sited within a visually prominent location on the corner junction of Northcote Road and Old Langho Road with all elevations of the premises being clearly visible from the public realm therefore the visual impact of the proposed development would be significant.
- 5.3.8 Take account of the above, it is considered that the proposed development would be an over dominant and incongruous form of development that would be visually at odds with the surrounding built environment and predominantly rural character of the area.
- 5.3.9 Furthermore, as stated previously, the addition of new car parking spaces within the site would more than likely involve the removal of several tall trees situated along the application site's North-eastern boundary, all of which have amenity value and provide visual screening to the North-eastern elevation of the premises.

5.3.10 Paragraph 130 of the NPPF states:

*'Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.'*

5.3.11 In addition, Key Statement EN2 of the Ribble Valley Core Strategy states:

*'...it is important to ensure development proposals do not serve to undermine the inherent quality of the landscape... the Council will seek to ensure that the open countryside is protected from inappropriate development.'*

5.3.12 Furthermore, Policy DMG2 states:

*'Within the open countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting.'*

5.3.13 Moreover, Policy DMG1 states:

*'All development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing and style [and] 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.'*

5.3.14 With the above in mind, it is considered that the proposal, by virtue of its siting, scale, massing and design would be an incongruous and unsympathetic form of development that would be harmful to the visual amenities and inherent character of the area, all of which would be contrary to the aims and objectives of Key Statement EN2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and Paragraph 130 of the National Planning Policy Framework.

#### 5.4 Ecology:

- 5.4.1 Bat surveys carried out at the application site on 16/6/22 and 24/6/22 found no evidence of any bat related activity within the premises or application site. The Council's Countryside Officer has recommended for additional mitigation measures to be implemented on site with regards to the provision of bat boxes by way of a planning condition. Supplementary guidance has also been provided with regards to the accidental exposure of bats.
- 5.4.2 The application's proposed landscaping plan shows that all of the site's trees and hedges are to be retained as part of the proposal however given the proximity of the site's existing trees and hedges in relation to the works proposed it is more than likely that some or all of the trees and hedges in question would be impacted to some extent however as stated previously no tree constraints plan or arboricultural impact assessment has been provided in this instance.

#### 5.5 Highways:

- 5.5.1 Lancashire County Council Highways have reviewed the proposal and have no concerns with regards to the proposed access to the application site as the proposed development would utilise the site's existing access. The LHA have also confirmed that the parking provisions proposed on site would be compliant with parking guidance.
- 5.5.2 The LHA have recommended that a number of additional planning conditions be implemented in the event of the application being approved. These conditions relate to the site's access and for provisions to be made on site for cycle storage and electric vehicle charging points.
- 5.5.3 No other concerns were raised by the LHA in relation to the impact of the proposal upon the surrounding highway network. As such, it is not considered that the proposed development would pose any issues with regards to highway safety.

#### 5.6 Heritage:

- 5.6.1 The application site lies within the vicinity of the Chapel of St. Leonard which is a Grade I Listed Building. The Chapel is set well back from Old Langho Road and the grounds of the asset are well-contained by mature boundary trees. There is therefore limited intervisibility between the heritage asset and the application premises. Accordingly, it is not considered that the proposed development would be harmful to the setting of the heritage asset.

#### 5.7 Observations/Consideration of Matters Raised/Conclusion:

- 5.7.1 The proposal would result in a conspicuous, over dominant and unsympathetic form of development that would introduce inappropriate and incongruous features out of keeping with the surrounding built environment and predominantly rural character of the area.
- 5.7.2 Accordingly, the proposal would result in a harmful impact upon the visual amenities of the surrounding area and as such would be an inappropriate and

unacceptable form of development contrary to Key Statement EN2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and Paragraph 130 of the National Planning Policy Framework.

- 5.7.3 Furthermore, the proposed development would more than likely impact upon numerous existing trees and hedges within the application site however no tree constraints plan or arboricultural impact assessment has been provided in this instance.
- 5.7.4 Moreover, it has been conveyed to the applicant that the proposed development would not be supported in its current form and design adjustments have been sought however the applicant has stated that they wish the application to be determined in its current form.

RECOMMENDATION: That the application be REFUSED for the following reason(s):

1. The proposal, by virtue of its siting, scale, massing and design would be an over dominant, unsympathetic and incongruous form of development that would be harmful to the visual amenities and inherent character of the area. As such, the proposal would not accord with Key Statement EN2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and Paragraph 130 of the National Planning Policy Framework.
2. The proposal is in direct conflict with Policies DME1 and DME2 of the Ribble Valley Core Strategy insofar that the applicant has failed to provide adequate information in relation to the potential impacts of the development upon adjacent and nearby trees of high landscape amenity value.

#### BACKGROUND PAPERS

[https://webportal.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2022%2F0637](https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F0637)

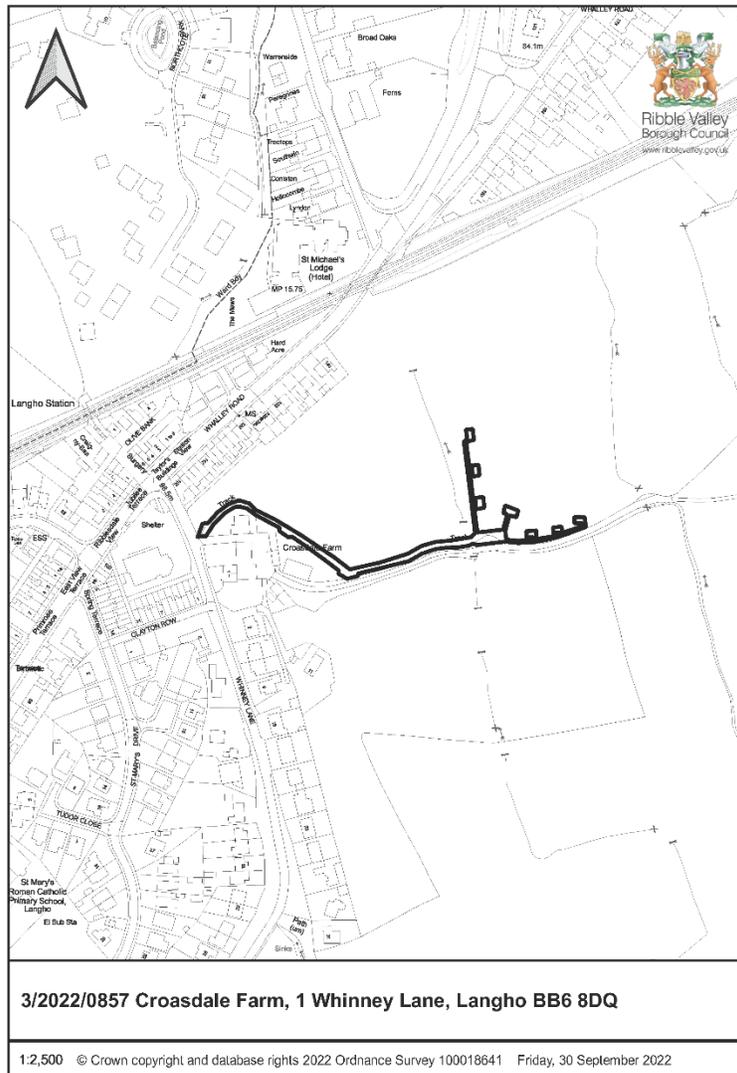
This page is intentionally left blank

**APPLICATION REF: 3/2022/0857**

GRID REF: SD 370635 424267

**DEVELOPMENT DESCRIPTION:**

RETENTION OF THE UNAUTHORISED CREATION OF AN ACCESS TRACK, A PARKING AREA, HARD STANDING AREAS, PATHWAYS AND THE ERECTION OF A TOILET/SHOWER BLOCK. CROASDALE FARM 1 WHINNEY LANE LANGHO BB6 8DQ



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

Billington and Langho Parish Council support the application stating the following:

- There is a lot of community support for this application.
- This application is supporting local businesses with increased footfall to local shops and pubs etc
- The applicant has been nominated as Best Newcomer for the tourist award via Visit Lancashire, and the parish council are proud of a parishioner achieving this – it benefits the area.
- A similar application for twice this space, 40 square meters as oppose to 20 square meters which is comparable to this one was permitted, and the parish council would like to see this one passed by planning
- The applicant needs to gravel track and toilets in order to attract the right clientele.
- Members of the parish council have visited the site found the small site has been carefully planned with consideration for the landscape.
- The parish council found the gravel farm track unobtrusive and can barely be seen from nearby roads or a passing train.
- The current wooden toilet/shower block is in keeping with the agricultural setting and has the appearance of a stable.
- The tents on this development are taken down in the winter months, so only erected for months of the year.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

The Highways Development Control Section have raised no objection to the proposal subject to the imposition of the following conditions.

1. *No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ALH Design Service drawing number 00A have been implemented in full.*

*Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).*

2. *The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.*

2. *The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.*

*Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).*

3. *The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with ALH drawing number 00. Thereafter the onsite parking provision shall be so maintained in perpetuity.*

*Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).*

### **RVBC ENVIRONMENTAL HEALTH:**

The Environmental Health Officer has raised no objections to the proposal but has suggested, that should consent be granted, that it may be beneficial if charging points for electric vehicles were incorporated into the proposal to aid in reducing carbon emissions.

### **ADDITIONAL REPRESENTATIONS:**

Seven letters of representation have been received objecting to the application on the following grounds:

- Impacts upon character and visual amenities of the area
- Increase in traffic
- Noise disturbance
- Ecological impacts
- On-going noise complaints
- Light Pollution
- Inappropriate development in the Green Belt
- Location unsuitable
- The running of the site is deviating from the exemption criteria and as such is not permitted development

Nine letters of representation have been received in support of the application stating the following:

- The proposal is in keeping with the area
- Benefits to local economy
- Brings visitors into the area
- No landscape impacts

Members will additionally note that a ward councillor has requested that this application is determined by Planning and Development committee for the following reason:

- High level of public interest

#### **1. Site Description and Surrounding Area**

- 1.1 The application relates to an area of open aspect agricultural land associated with Croasdale farm, Langho. The area of land to which the application relates is located within the designated Green Belt also being located outside of any defined settlement limits.

2. **Proposed Development for which consent is sought**

2.1 The application seeks retrospective consent for the retention of the unauthorised creation of an access track, a parking area, hard standing areas, pathways and the erection of a toilet/shower block. The development is located towards the southern extents of an existing parcel of agricultural land associated with Croasdale Farm.

2.2 The hardstandings benefit from a dispersed arrangement along the southern and western boundary of the field, all of which are served by an access track for users/occupiers with a parking area being located in the corner of the field acting as a central axis to the overall arrangement. The development includes a toilet/shower block located at the northern extents of the site along the western extents of the filed boundary.

3. **Relevant Planning History**

**3/2022/0300:**

The creation of an access track a parking area hard standing areas pathways and the erection of a toilet/shower block. (Withdrawn)

**3/2021/0751:**

Change of use of land from agricultural to camping with resurfaced track, gravel pitches and amenities. (Refused)

**3/2019/0642:**

Change of use of agricultural land to D2 (assembly and leisure) and installation of up to six camping pods/holiday cabin accommodation and associated site works. (Withdrawn)

4. **Relevant Policies**

**Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy  
Key Statement DS2 – Sustainable Development  
Key Statement DMI2 – Transport Considerations  
Key Statement EC1 – Business and Employment Development  
Key Statement EC3 – Visitor Economy  
Key Statement EN1 – Green Belt  
Key Statement EN3 – Sustainable Development  
Key Statement EN4 – Biodiversity and Geodiversity

Policy DMB1 – Supporting Business Growth  
Policy DMB3 – Recreation and Tourism Development  
Policy DME1 – Protecting Trees and Woodlands  
Policy DME2 – Landscape and Townscape protection  
Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport & Mobility  
Policy DME6 – Water Management

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.2 Visual Impact/ Appearance

5.2.1 Given the proposal lies within the defined Green Belt consideration must be given for the potential of the development to undermine the intrinsic character and openness of the area. Planning Practice Guidance provides clear guidance in respect of what factors that can be taken into account when considering the potential impact(s) of development on the openness of the Green Belt, in this respect the guidance states that:

*Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment.*

*These include, but are not limited to:*

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.*

5.2.2 Key Statement EN1 and Policy DMG1 of the Ribble Valley Core Strategy are also primarily engaged for the purposes of assessing the proposal. Key Statement EN1 is engaged given that the proposal lies within land that benefits from a Green Belt designation, with Policy DMG1 being engaged given the policy largely relates to a wide range of design considerations for all proposals within the Borough.

5.2.3 The proposal seeks retrospective consent for the creation of 6 hardstanding areas to accommodate 'tents/caravans', with retrospective consent also being sought for the creation of associated track areas, parking area and the erection of an associated timber-clad shower/toilet block with access ramp.

5.2.3 The area in which the development is located is in characterised by being relatively open-aspect agricultural land delineated by occasional hedgerow planting with the immediate area being of a typical open agricultural appearance. Taking account of the character of the immediate area and land to which the application relates, the introduction of structures or engineered elements, of a non-agricultural appearance, are inevitably read as being both incongruous and discordant.

5.2.4 In respect of this matter, whilst the submitted details do not seek consent for the siting of tents or caravans, the proposed hardstanding areas are to facilitate the siting of such typologies of accommodation. In this respect the hardstandings will give these elements (and associated paraphernalia) an uncharacteristic level of visual permanence and prominence, within the designated Green Belt. Whereas if such elements were to be sited on the land without the benefit of such 'standings', it is considered that they would appear more informal and temporary in nature.

- 5.2.5 Notwithstanding the above matter, consideration must also be given in respect of the track areas, parking areas and associated shower/toilet block. The proposed shower/toilet block is of a timber-clad appearance benefitting from a mono-pitch roof arrangement, being of a largely rectilinear form. The block is located towards the northern extents of the proposal site, with both the building and other hardstandings benefitting from a somewhat dispersed arrangement. The shower/toilet block building, given its relative isolation from any nearby similar built-form, reads as being a largely incongruous and alien introduction into the landscape by virtue of its siting, design and overall form.
- 5.2.6 Further to the above, the shower/toilet block read in conjunction with the other associated elements for which consent is sought, only serves to exacerbate the discordant of the development cumulatively when considered as a whole. With the development undermining the sense of openness of the designated area and being of significant harm to the character and appearance of the immediate vicinity and such also proves injurious to the character and visual amenities of designated Green Belt.
- 5.9.9 It is for these reasons that the proposal is considered to be in direct significant conflict with Key Statement EN1 and Policy DMG1 of the Ribble Valley Core Strategy insofar that the proposal results in unwarranted visual harm to the character and visual amenities of the designated Green Belt.

### 5.3 Principle of Development:

- 5.3.1 The application site is located within the defined Green Belt, as such, in respect of the principle of the development, at a local level Key Statement EN1 is primarily (but not solely) engaged and at a national level Paragraphs 147 to 150 of the National Planning Policy Framework are also primarily engaged for the purposes of assessing the proposal, particularly in relation to any harm to the Green Belt which may be resultant from the proposal.
- 5.3.2. Key Statement EN1 is explicit insofar that *'the overall extent of the green belt will be maintained to safeguard the surrounding countryside from inappropriate encroachment. The development of new buildings will be limited to the purposes of agriculture, forestry, essential outdoor sport and recreation, cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of the designation'*.
- 5.3.3 In respect of the Framework, Para.149(b) states that authorities should regard the construction of new buildings as being inappropriate in the Green belt, with one of exceptions being *'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'*.
- 5.3.4 Therefore, whilst Para.149(b) may be considered to be permissive of the provision of facilities for outdoor sport and outdoor recreation, this exception is only engaged where the facilities would 'preserve the openness of the Green Belt'. As such, should it be determined that the proposal undermines the openness of the Green

Belt, the initial support offered by being considered an 'exception' is considered fully disengaged with the proposal being considered to be in conflict with this part of the Framework.

- 5.3.5 Given visual harm has already been identified (Visual Amenity/External Appearance) that considers the proposal would fundamentally undermine the visual and spatial openness of the Green Belt, it must therefore be considered that the proposed development also fails to benefit from the permissive exceptions of Paragraph 149 of the framework, in particular those intrinsic to para 149(b).
- 5.3.5 Policy DMB3 of the adopted development plan is also relevant given the proposed development seeks consent for a number of elements relating to that which would be considered to be recreation and tourism development. In this respect Policy DMB3 states that planning permission will be granted for development proposals that extend the range of tourism and visitor facilities in the borough subject to a number of criteria, one of which being that *'the proposal must not conflict with other policies'* of the adopted development plan and that *'the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design'*.
- 5.3.6 As with para 149, given that visual harm has been identified that undermines the character, quality and visual amenities of the area, it must therefore also be considered that the proposal is in direct conflict with Policy DMB3 and as such the supportive and permissive nature of the policy in respect of tourism and recreational development is also considered fully disengaged
- 5.3.7 It is recognised that Paragraph 148 of the Framework, allows for harm within the Green Belt if such harm is outweighed by other considerations that would constitute 'very special circumstances'. However, it is not considered that such special circumstances have been adequately or robustly demonstrated that would outweigh the significant identified visual and landscape harm resultant from the proposal. As such it is considered that the proposal is contrary to Paragraph 148 of the National Planning Policy Framework insofar that 'very special circumstances' have not been demonstrated that would outweigh the identified visual harm to the Green Belt resultant from the development.
- 5.3.8 Taking account the above matters and taking account of the identified visual harm, the proposal is considered to be in direct conflict with Key Statement EN1 and Policies DMG1 and DMB3(3) of the Ribble Valley Core Strategy and Paragraphs 147 and 149(b) of the National Planning Policy Framework.

#### 5.4 Landscape and Ecology:

- 5.4.1 The application has been accompanied by a Preliminary Ecological Appraisal, the report concludes that there will be no significant impacts upon protected species or species of conservation concern resultant from the proposal. However, the report recommends that any lighting be directed by the use of baffles to prevent light spread on hedgerows and treelines that may disturb foraging and commuting bats.
- 5.4.2 The report also recommends the installation of four bat and four bird boxes on adjacent trees within the site to aid in ensuring biodiversity enhancement on site.

The submitted details further propose the planting of areas of hedgerow on a parcel of land located to the east of the existing hardstanding's with additional hedgerow being proposed along the southern and eastern boundaries of the land parcel.

5.5 Highway Safety and Accessibility:

5.5.1 The Highways Development Control Officer has raised no concerns in respect of the proposal subject to the imposition of conditions as outlined earlier within this report.

5.6 Other Matters:

5.6.1 Members will note that the site has been operational and accommodating holiday accommodation since 2020, during which period the use of the site has been subject to an ongoing enforcement investigation. The site has also been the subject of noise complaints in respect of music, noise, anti-social behaviour, and fireworks which are an Environmental Health matter. As such these matters are not considered material to the determination of the current application which solely seeks consent for the retention of an access track, parking area, hard standing areas, pathways and a toilet/shower block and does not relate to the 'use' of the land.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 For the reasons outlined above the proposed development is considered to be in significant direct conflict with Key Statement EN1 and Policies DMG1 and DMB3 of the Ribble Valley Core Strategy and Paragraphs 147 and 149(b) of the National planning Policy Framework insofar that approval would result in development that significantly undermines and compromises the character and visual amenities of the designated Green Belt.

RECOMMENDATION: That the application be REFUSED for the following reason(s):

1. The proposal is considered to be in direct conflict with Key Statement EN1 and Policies DMG1 and DMB3 of the Ribble Valley Core Strategy and Paragraphs 147 and 149(b) of the National planning Policy Framework in that the proposed development would result in significant measurable visual harm to the character, appearance and visual amenities of the designated Green Belt. Particularly insofar that the proposed hard standing areas, shower/toilet block, tracks and parking areas, when considered cumulatively, constitute an incongruous, unsympathetic, and discordant form of development that significantly detracts for the inherent open rural character of the designated area.
2. The proposal is considered to be in direct conflict with Key Statement EN1 and Policies DMG1 and DMB3 of the Ribble Valley Core Strategy in that the proposed hard standing areas will afford sited structures (tents/caravans) and associated paraphernalia an uncharacteristic level of visual permanence and prominence, within the designated Green Belt, that would result in significant harm to the character and visual amenities of the designated area by virtue of their combined incongruous and anomalous appearance. As such, it is further considered that the proposal is contrary to Paragraph 148 of the National Planning Policy Framework insofar that 'very special circumstances' have not been

demonstrated that would outweigh the identified visual harm to the Green Belt resultant from the development.

#### BACKGROUND PAPERS

[https://webportal.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2022%2F0857](https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F0857)

This page is intentionally left blank

**RIBBLE VALLEY BOROUGH COUNCIL  
REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

---

meeting date: THURSDAY, 20<sup>th</sup> OCTOBER 2022  
title: ARCHAEOLOGICAL ADVICE  
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING  
principal author: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

**1. PURPOSE**

- 1.1 To seek authority from Members to in respect of a Service Level Agreement with LCC for Archaeological advice relating to planning applications.

**2. BACKGROUND**

- 2.1 As part of budget savings in 2016 LCC removed its funding for the Historic Environment Service. However, in April 2019 the Historic Environment Team was established which is hosted by the County Council and maintains the County Historic Environment Record (HER).
- 2.2 It is understood that this request was made to LCC to host the service from district authorities. It appears that this request was on the basis of districts funding the service with LCC contributing by funding the post to maintain the Historic Environment Record however it is not clear how this was agreed.
- 2.3 The team is made up of three posts, comprising 1 full-time and 2 job-share officers dealing with development control matters, and another officer responsible for managing the HER and providing advice to the County Council.
- 2.4 In 2019 we entered into a Service Level Agreement for the period upto 2021, attached at Appendix 1. This agreement sets out RVBCs contribution to the service and the fact that payment is issued within the first quarter of each financial year as one payment. The Historic Environment Team has confirmed this is for budgetary reasons, as the income is required to fund staff salaries.

**3. CURRENT POSITION**

- 3.1 At the start of 2021, each of the district councils were invited to sign up to a new SLA running for 3-years from 1 April 2021 to 31 March 2024. There were no changes to the service offered, with the only difference being a price increase to take account of inflation. The cost for 3 years' service to RV was £32,515, which was to be broken down into the following annual fees: 2021-22 = £10,603; 2022-23 = £10,837 & 2023-24 = £11,075. This fee breakdown was based on the assumption that the 13 local authorities, who were currently signed up, would remain in an SLA (Pendle Borough Council have not been included).
- 3.2 All the districts signed up to the new 2021-24 SLAs, except for us. John Macholc requested that we sign on an annual basis instead with a yearly review. A revised SLA for the period 1 April 2021 until 31 March 2022 with a fee of £10,603 was therefore sent to John. This SLA was never signed however the invoice for the service was paid.
- 3.3 At the start of 2022, a new one-year SLA for 2022-23 was e-mailed to John however it was not signed nor is there any correspondence that indicates the SLA is acceptable to the Council.

3.4 LCC invoiced the Council on 12<sup>th</sup> July 2022 for £10,837 and have confirmed that a level of service has been provided to the Planning team since the beginning of this financial year. Without an SLA in place the invoice has not been paid.

#### **4. SERVICE LEVEL AGREEMENT**

4.1 A copy of this year's draft SLA is attached at Appendix 2

4.2 Lancashire County Council Historic Environment Team has confirmed that the amount RVBC has been invoiced:

1. Relates to the proportion of the funding RV agreed to provide.
2. Represents the annual percentage of the overall service that RV uses
3. Is based on the 10 years of service received from 2006-2016 from the former Lancashire County Archaeology Service (LCAS).

4.3 The Team consider that Ribble Valley is a significant user of the service due to the concentrations of archaeological interest in the borough. Whilst it is acknowledged that the Borough accommodates a lot of heritage assets at this stage it is not possible to quantify the proportion of consultations with the Team officers decide to undertake and the proportion of consultation responses the Team provide without a direct request from our planners by considering the weekly list.

4.4 Members should note that the Framework includes the following requirement:  
*Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:*

- a) assess the significance of heritage assets and the contribution they make to their environment; and*
- b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.*

4.5 The Lancashire Historic Environment Record (HER) is predominantly computerised and is managed and accessed by Lancashire County Council staff.

#### **5 RECOMMENDATIONS**

5.1 As this matter has been unresolved since April and LCC have been providing a level of service relating to archaeological matters during that time it is suggested that the Council enter into the SLA (Appendix 2) for this financial year and pay the invoice for this years' service.

5.2 However going forward it is suggested that the service being provided is reviewed to ensure that any financial assistance provided by RVBC to the Historic Environment Team reflects the level of need for archaeological advice within the Borough.

#### **6 RISK ASSESSMENT**

6.1 The approval of this report may have the following implications:

- Resources – The cost of this service is already included within the budget and as such during this financial year there is no need to find additional resources
- Technical, Environmental and Legal – There is a requirement to have access to the HER which entering into the SLA will secure.
- Political - N/A

- Reputation – N/A
- Equality and Diversity - N/A

7. **RECOMMENDED THAT COMMITTEE**

- 7.1 Members agree for the Director of Economic Development and Planning enter into an SLA with LCC for the provision of Archaeological advice and pay this year's invoice.
- 7.2 Members agree that a full review of the service provided and the level of need of service for the Borough is undertaken in the new year with any suggested SLAs with LCC brought back to this Committee for decision.



NICOLA HOPKINS  
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING



# Service Level Agreement

**Provision of Specialist Archaeological Advice to  
Ribble Valley Council, 2019-21**

[www.lancashire.gov.uk](http://www.lancashire.gov.uk)



## **Terms of Service Level Agreement for Provision of Specialist Advice to Ribble Valley Council by Lancashire County Council in 2019-21**

### **1. The County Council's Duties**

#### **1.1. The Historic Environment Record**

1.1.1. The County Council shall maintain and manage the Lancashire Historic Environment Record (HER) as defined in Annex 2 of the NPPF and the associated Practice Guide for the area falling under the control of the Local Planning Authority.

1.1.2. No right or licence to the HER or the data within it is acquired by the Local Planning Authority nor granted by the County Council pursuant to this Agreement.

1.1.3. The Historic Environment Record shall be made available for consultation and information shall be provided from it subject to any usage restrictions and scale of charges as may be in effect at the time of consultation. *Information provided to the County or Local Planning Authority for the purposes set out in the agreement below or other agreed internal purposes of the Council will however not attract any separate charge for that provision.*

#### **1.2. Local Plans**

1.2.1. The County Council will provide upon request advice on the formulation of Local Plan policies and guidance relating to the historic environment.

1.2.2. The County Council will upon request provide advice and information on the identification of local sites of heritage interest in a district context insofar as resources and existing databases allow.

1.2.3. The County Council will upon request identify heritage assets within areas defined in site allocation documents or similar where there may be heritage implications for a change of use or its development insofar as resources and existing databases allow. An outline recommendation for further investigations that may be required will be provided where relevant, but the County Council will not provide a detailed and specific assessment of the heritage value or significance of any heritage asset so

identified unless a separate and specific costed agreement is reached for that work.

### **1.3. Development Management**

1.3.1. The County Council will screen the weekly planning lists where supplied by the Local Planning Authority or made available on their web sites to identify development or other proposals (such as applications to discharge conditions, prior notifications, etc.) which appear to have the potential to affect heritage assets or their settings. The Local Planning Authority may, if desired, send notifications or details of individual applications or other schemes (such as scoping assessments, Environmental Statements, etc.) received direct to the County Council.

1.3.2. Where details of development proposals identified under 1.3.1 above are available on a Local Planning Authority's web site they will be accessed and may be downloaded and stored locally. Where details of the development proposal are not available on a web site, they will be requested from the Local Planning Authority within 7 days of the receipt of the application list. Such details may be captured electronically and stored locally.

1.3.3. Details of development proposals accessed as above will be assessed against the known heritage resource, following the guidance in the NPPF, its associated Practice Guide and best professional practice, as well as international, national, regional and local planning policy. Where insufficient information is available for such an assessment to be undertaken the Local Planning Authority will be informed of this and an appropriate course of action recommended.

1.3.4. Where assessment of a detailed proposal does not indicate a significant impact on the heritage resource this may be noted locally but the details of the proposal will not normally be retained by the County Council. The Local Planning Authority will not normally be notified of such an assessment result if the proposal was identified directly from a web site or weekly list.

1.3.5. Where a potentially significant impact on the heritage resource is identified the County Council will provide some or all of the following:

- A statement of the likely heritage implications;
- Advice on further action or mitigation procedures that will be appropriate to safeguard the heritage interest of the site;

- Recommendations for any further investigation required before any planning decision is made;
- Recommendations that some or all of the heritage resource is preserved in situ at the expense of development
- Recommendations that planning conditions or other measures will be required to ensure the recording or protection of the identified archaeological resource.

These items will be provided within 21 days of any consultation being received or the publication of the relevant weekly list (or other timescale which has been prior agreed with the Authority) and where possible sent to the Local Planning Authority by email.

1.3.6. The advice service provided to the Local Planning Authority will **not** include the following:

- Direct provision of advice, specifications or briefs to developers, contractors or other third parties;
- Site visits, meetings and discussions with developers, contractors or other third parties, except where called by and for the benefit of the Local Planning Authority;
- The provision of comments on specifications, written schemes of investigation, draft reports or other documents supplied direct by developers, contractors or other third parties.

1.3.7. Upon request the County Council will screen Hedgerow Removal Notices against the heritage criteria set out in the Hedgerow Regulations 1997 and any succeeding regulations or advice.

#### **1.4. Planning Appeals, Public Inquiries and Enforcement Actions**

1.4.1. Written support for planning appeals, public inquiries and enforcement actions will be provided where resources allow, but this will need to be agreed in each case (see below). Resource implications are likely to mean that attendance by LCC specialists at planning inquiries, hearings, etc. will require additional funding beyond the fee set for this SLA. This service shall not be provided in the event that the Local Planning Authority's planning decision conflicts with County Council archaeology service advice. The County Council will not obtain specialist legal advice on the validity of any information or evidence provided or supply separate legal representation for any County Council staff and this shall be obtained and provided by the Local Planning Authority directly.

#### **1.5. Other Matters**

1.5.1. The following matters shall be included in the service provided by the County Council heritage specialists upon request insofar as resources and existing databases allow. Where it appears that it will not be possible to service such a request the County Council will notify the Local Planning Authority as soon as this is apparent and will work with the Local Planning Authority to seek a solution.

- Advice on the formulation of non-statutory policy statements and strategy documents in relation to the historic environment;
- Advice on the management of a Heritage Asset located within the Local Planning Authority's ownership.

1.5.2. Lancashire County Council will provide statistics on the service provided to the Local Planning Authority at six and nine month intervals.

## **2. The Local Planning Authority's Duties**

### **2.1. Historic Environment Record**

2.1.1. Subject to any statutory provisions (including the need to release any information included in a formal planning response) the Local Planning Authority shall not release, publish or otherwise disclose the information provided from or in respect of the Historic Environment Record referred to in section 1 to any person or organisation unless that person or organisation is acting as a servant or agent to the Local Planning Authority and it is a condition of that relationship that that person or organisation is also bound by this condition.

### **2.2. Development Management**

2.2.1. The Local Planning Authority will make available on its web site or otherwise promptly supply regular planning application lists and appropriate details of development proposals and other schemes for archaeological appraisal. When a planning decision is reached, a copy of the planning decision notice shall be made available to the County Council archaeology service via the Council's website.

2.2.2. The Local Planning Authority will inform the County Council about any amendments to applications as soon as possible, particularly the reasons for and extent of the amendment. They will also inform the County Council about withdrawn applications as soon as possible and indicate the likely date of determination of applications to help the County Council manage workloads.

2.2.3. Where investigation, recording or other heritage works have been required by planning condition or legal agreement, the Local Planning Authority will consult with the County Council specialists on the acceptability of any written scheme of investigation or other project proposal and on applications to discharge the planning condition or legal agreement. The latter may be facilitated by ensuring that any such application makes it clear that the discharge is for a heritage condition or agreement and/or by making a direct consultation on the application.

2.2.4. Where investigation, recording or other heritage works have been required by planning condition or legal agreement, the Local Planning Authority will consult with the County Council specialists on the discharge of that condition or legal agreement or make the application for discharge available on the Weekly Planning List. They will normally only discharge such a condition or legal agreement when advised that this is appropriate by the County Council. This would normally mean that the heritage project required by that condition or agreement has been completed, including the submission of an acceptable final report and archive.

2.2.5. The Local Planning Authority will direct applicants and developers to contact the County Council to obtain advice and further information on the nature and scale of archaeological works required to inform a development proposal or to discharge any conditions that may be applied to consents granted. They will inform the applicant or developer that a charge may be payable for the provision of such advice, at a scale set by the County Council.

2.2.6. If the Local Planning Authority offers a pre-application advice service, this will not be included within the Service Level Agreement and the Local Planning Authority will direct the prospective developer to approach the County Council for advice. They will inform the applicant or developer that a charge will be payable for the provision of such advice, at a scale set by the County Council.

### **2.3. Planning Appeals, Public Inquiries and Enforcement Actions**

2.3.1. A standard or automatic notification of the submission of a planning appeal or similar from the Local Planning Authority will not be deemed to be a formal consultation. It is the Local Planning Authority's responsibility to ensure that a timely and specific consultation is made where advice is required.

**2.4. Other Matters**

2.4.1. The Local Planning Authority will ensure that developers and other third parties that contact them are aware of their responsibilities for obtaining and supplying adequate heritage information. Where appropriate (e.g. 1.3.6 and 2.3.1 above) they shall direct developers and others to the County Council for further information and advice.

**3. Payment, Duration and Liability**

3.1. The fee payable by the Local Planning Authority for the service is set out below. The invoice will normally be issued in the first quarter of each financial year to which the Agreement applies. All such invoices are payable in one lump sum and within 28 days of receipt.

3.2. This Agreement will run from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2021. When requested, a meeting will be held to review the operation and effectiveness of the Agreement, and to inform any future Agreement. Any proposed variation will not be valid unless subject to a written agreement between both parties.

3.3. Any terms which may have previously been agreed either orally or in writing shall not form part of the Agreement unless recorded in this Agreement and the Local Planning Authority confirms that it has not relied upon any representation not recorded in this Agreement.

3.4. Neither party shall be liable to the other in respect of any claim, action, damages or losses arising directly or indirectly as a result of any service provided under this Agreement save to the extent that such claim, action, damage or loss is directly attributable to the negligence of that party.

3.5. The term development proposal used above shall mean a proposal as defined by the Town and Country Planning Act 1990 and any succeeding regulations or advice.

3.6. This agreement is subject to the County Council successfully recruiting two development control archaeologists. If, after exhaustive attempts, it has not been possible to recruit staff this agreement will cease; and the County Council will work with the Local Planning Authority to seek alternative arrangements for the provision of advice.

Provision of Specialist Archaeological Advice to Ribble Valley Council, 2019-21

**Period of this Agreement:**

1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2021

Approximate number of hours service per year: 538

**Fee for services as described above:**

£20,750 (half to be invoiced in July 2019 and half in July 2020)

*(Note: The above figure also includes a proportionately allocated percentage of half of the shortfall of the costs of any council who did not opt to sign up to the service (as set out on page 8 of the 'Proposal to re-establish a Historic Environment Service in Lancashire County Council' document, dated 23 November 2018). In this instance Pendle Council did not opt to sign up to the service, leaving a shortfall of £8,988. The other half of this shortfall (£4,494) will be allocated to the County Council, as agreed in the document noted above).*

**Signed for Ribble Valley Council:**

Name:
Role:
Date:

**Signed for Lancashire County Council:**

Name:
Role:
Date:



# Service Level Agreement

**Provision of Specialist Archaeological Advice to  
Ribble Valley Council, 2022-23**

[www.lancashire.gov.uk](http://www.lancashire.gov.uk)



## **Terms of Service Level Agreement for Provision of Specialist Advice to Ribble Valley Council by Lancashire County Council in 2022-23**

### **1. The County Council's Duties**

#### **1.1. The Historic Environment Record**

1.1.1. The County Council shall maintain and manage the Lancashire Historic Environment Record (HER) as defined in Annex 2 of the NPPF and the associated Practice Guide for the area falling under the control of the Local Planning Authority.

1.1.2. No right or licence to the HER or the data within it is acquired by the Local Planning Authority nor granted by the County Council pursuant to this Agreement.

1.1.3. The Historic Environment Record shall be made available for consultation and information shall be provided from it subject to any usage restrictions and scale of charges as may be in effect at the time of consultation. *Information provided to the County or Local Planning Authority for the purposes set out in the agreement below or other agreed internal purposes of the Council will however not attract any separate charge for that provision.*

#### **1.2. Local Plans**

1.2.1. The County Council will provide upon request advice on the formulation of Local Plan policies and guidance relating to the historic environment.

1.2.2. The County Council will upon request provide advice and information on the identification of local sites of heritage interest in a district context insofar as resources and existing databases allow.

1.2.3. The County Council will upon request identify heritage assets within areas defined in site allocation documents or similar where there may be heritage implications for a change of use or its development insofar as resources and existing databases allow. An outline recommendation for further investigations that may be required will be provided where relevant, but the County Council will not provide a detailed and specific assessment of the heritage value or significance of any heritage asset so

identified unless a separate and specific costed agreement is reached for that work.

### **1.3. Development Management**

- 1.3.1. The County Council will screen the weekly planning lists where supplied by the Local Planning Authority or made available on their web sites to identify development or other proposals (such as applications to discharge conditions, prior notifications, etc.) which appear to have the potential to affect heritage assets or their settings. The Local Planning Authority may, if desired, send notifications or details of individual applications or other schemes (such as scoping assessments, Environmental Statements, etc.) received direct to the County Council.
- 1.3.2. Where details of development proposals identified under 1.3.1 above are available on a Local Planning Authority's web site they will be accessed and may be downloaded and stored locally. Where details of the development proposal are not available on a web site, they will be requested from the Local Planning Authority within 7 days of the receipt of the application list. Such details may be captured electronically and stored locally.
- 1.3.3. Details of development proposals accessed as above will be assessed against the known heritage resource, following the guidance in the NPPF, its associated Practice Guide and best professional practice, as well as international, national, regional and local planning policy. Where insufficient information is available for such an assessment to be undertaken the Local Planning Authority will be informed of this and an appropriate course of action recommended.
- 1.3.4. Where assessment of a detailed proposal does not indicate a significant impact on the heritage resource this may be noted locally but the details of the proposal will not normally be retained by the County Council. The Local Planning Authority will not normally be notified of such an assessment result if the proposal was identified directly from a web site or weekly list.
- 1.3.5. Where a potentially significant impact on the heritage resource is identified the County Council will provide some or all of the following:
- A statement of the likely heritage implications;
  - Advice on further action or mitigation procedures that will be appropriate to safeguard the heritage interest of the site;

- Recommendations for any further investigation required before any planning decision is made;
- Recommendations that some or all of the heritage resource is preserved in situ at the expense of development
- Recommendations that planning conditions or other measures will be required to ensure the recording or protection of the identified archaeological resource.

These items will be provided within 21 days of any consultation being received or the publication of the relevant weekly list (or other timescale which has been prior agreed with the Authority) and where possible sent to the Local Planning Authority by email.

1.3.6. The advice service provided to the Local Planning Authority will **not** include the following:

- Direct provision of advice, specifications or briefs to developers, contractors or other third parties;
- Site visits, meetings and discussions with developers, contractors or other third parties, except where called by and for the benefit of the Local Planning Authority;
- The provision of comments on specifications, written schemes of investigation, draft reports or other documents supplied direct by developers, contractors or other third parties.

1.3.7. Upon request the County Council will screen Hedgerow Removal Notices against the heritage criteria set out in the Hedgerow Regulations 1997 and any succeeding regulations or advice.

#### **1.4. Planning Appeals, Public Inquiries and Enforcement Actions**

1.4.1. Written support for planning appeals, public inquiries and enforcement actions will be provided where resources allow, but this will need to be agreed in each case (see below). Resource implications are likely to mean that attendance by LCC specialists at planning inquiries, hearings, etc. will require additional funding beyond the fee set for this SLA. This service shall not be provided in the event that the Local Planning Authority's planning decision conflicts with County Council archaeology service advice. The County Council will not obtain specialist legal advice on the validity of any information or evidence provided or supply separate legal representation for any County Council staff and this shall be obtained and provided by the Local Planning Authority directly.

#### **1.5. Other Matters**

1.5.1. The following matters shall be included in the service provided by the County Council heritage specialists upon request insofar as resources and existing databases allow. Where it appears that it will not be possible to service such a request the County Council will notify the Local Planning Authority as soon as this is apparent and will work with the Local Planning Authority to seek a solution.

- Advice on the formulation of non-statutory policy statements and strategy documents in relation to the historic environment;
- Advice on the management of a Heritage Asset located within the Local Planning Authority's ownership.

1.5.2. Lancashire County Council will provide statistics on the service provided to the Local Planning Authority at six and nine month intervals.

## **2. The Local Planning Authority's Duties**

### **2.1. Historic Environment Record**

2.1.1. Subject to any statutory provisions (including the need to release any information included in a formal planning response) the Local Planning Authority shall not release, publish or otherwise disclose the information provided from or in respect of the Historic Environment Record referred to in section 1 to any person or organisation unless that person or organisation is acting as a servant or agent to the Local Planning Authority and it is a condition of that relationship that that person or organisation is also bound by this condition.

### **2.2. Development Management**

2.2.1. The Local Planning Authority will make available on its web site or otherwise promptly supply regular planning application lists and appropriate details of development proposals and other schemes for archaeological appraisal. When a planning decision is reached, a copy of the planning decision notice shall be made available to the County Council archaeology service via the Council's website.

2.2.2. The Local Planning Authority will inform the County Council about any amendments to applications as soon as possible, particularly the reasons for and extent of the amendment. They will also inform the County Council about withdrawn applications as soon as possible and indicate the likely date of determination of applications to help the County Council manage workloads.

2.2.3. Where investigation, recording or other heritage works have been required by planning condition or legal agreement, the Local Planning Authority will consult with the County Council specialists on the acceptability of any written scheme of investigation or other project proposal and on applications to discharge the planning condition or legal agreement. The latter may be facilitated by ensuring that any such application makes it clear that the discharge is for a heritage condition or agreement and/or by making a direct consultation on the application.

2.2.4. Where investigation, recording or other heritage works have been required by planning condition or legal agreement, the Local Planning Authority will consult with the County Council specialists on the discharge of that condition or legal agreement or make the application for discharge available on the Weekly Planning List. They will normally only discharge such a condition or legal agreement when advised that this is appropriate by the County Council. This would normally mean that the heritage project required by that condition or agreement has been completed, including the submission of an acceptable final report and archive.

2.2.5. The Local Planning Authority will direct applicants and developers to contact the County Council to obtain advice and further information on the nature and scale of archaeological works required to inform a development proposal or to discharge any conditions that may be applied to consents granted. They will inform the applicant or developer that a charge may be payable for the provision of such advice, at a scale set by the County Council.

2.2.6. If the Local Planning Authority offers a pre-application advice service, this will not be included within the Service Level Agreement and the Local Planning Authority will direct the prospective developer to approach the County Council for advice. They will inform the applicant or developer that a charge will be payable for the provision of such advice, at a scale set by the County Council.

### **2.3. Planning Appeals, Public Inquiries and Enforcement Actions**

2.3.1. A standard or automatic notification of the submission of a planning appeal or similar from the Local Planning Authority will not be deemed to be a formal consultation. It is the Local Planning Authority's responsibility to ensure that a timely and specific consultation is made where advice is required.

#### **2.4. Other Matters**

- 2.4.1. The Local Planning Authority will ensure that developers and other third parties that contact them are aware of their responsibilities for obtaining and supplying adequate heritage information. Where appropriate (e.g. 1.3.6 and 2.3.1 above) they shall direct developers and others to the County Council for further information and advice.

### **3. Payment, Duration and Liability**

- 3.1. The fee payable by the Local Planning Authority for the service is set out below. The invoice will normally be issued in the first quarter of the financial year to which the Agreement applies. All such invoices are payable in one lump sum and within 28 days of receipt.
- 3.2. This Agreement will run from 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023. When requested, a meeting will be held to review the operation and effectiveness of the Agreement, and to inform any future Agreement. Any proposed variation will not be valid unless subject to a written agreement between both parties.
- 3.3. Any terms which may have previously been agreed either orally or in writing shall not form part of the Agreement unless recorded in this Agreement and the Local Planning Authority confirms that it has not relied upon any representation not recorded in this Agreement.
- 3.4. Neither party shall be liable to the other in respect of any claim, action, damages or losses arising directly or indirectly as a result of any service provided under this Agreement save to the extent that such claim, action, damage or loss is directly attributable to the negligence of that party.
- 3.5. The term development proposal used above shall mean a proposal as defined by the Town and Country Planning Act 1990 and any succeeding regulations or advice.

Provision of Specialist Archaeological Advice to Ribble Valley Council, 2022-23

**Period of this Agreement:**

1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023

**Fee for services as described above:**

£10,837 (to be invoiced July 2022)

**Signed for Ribble Valley Council:**

Name:
Role:
Date:

**Signed for Lancashire County Council:**

Name:
Role:
Date:

This page is intentionally left blank

## **RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE**

---

meeting date: THURSDAY, 20 OCTOBER 2022  
title: HOUSING LAND EVIDENCE UPDATE  
submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING  
principal author: MARK WALECZEK – PLANNING OFFICER

### **1 PURPOSE**

- 1.1 To provide Members with key information in relation to the updated Housing Land Availability Survey (HLAS) which has a base date of 31 March 2022.
- 1.2 To seek agreement to undertake key stakeholder consultation in relation to this baseline survey prior to publication.
- 1.3 Relevance to the Council's ambitions and priorities:
  - Community Objectives – The information in this report relates to the delivery of housing and the review of the Local Plan.
  - Corporate Priorities – This information is relevant to the adopted Core Strategy which is a spatial expression of corporate priorities.
  - Other Considerations – Councils have a duty to update housing supply data annually.

### **2 BACKGROUND**

- 2.1 The Council has a duty to ensure a five-year supply of deliverable housing land. The Government expects that Local Planning Authorities should have an identified five-year housing supply at all points during any plan period. Members will be aware that the issue of five-year supply continues to be a material consideration in the determination of planning applications and appeals, and furthermore in relation to the emerging Local Plan for the Borough.
- 2.2 Members will recall that previous versions of the Housing Land Availability Survey and in particular the production of the five-year statement, have seen several changes to the methodology; in relation to this survey there are no baseline changes to the methodologies proposed.
- 2.3 Current guidance emphasises that Local Authorities need to demonstrate that there is a reasonable prospect that housing sites are developable and deliverable within the next five years using robust and up to date evidence, and as such the Council has previously undertaken work to provide clear evidence required by the Framework to reinforce the five-year supply position.
- 2.4 At the time of previous surveys, issues have arisen due to the relatively poor response from landowners and developers in relation to requests to provide supporting evidence. Consequently, this survey is being taken forward based on existing evidence were considered appropriate, relevant updates in relation to information received and an

assessment of development activity over the previous 12-month period. Over the past 2 years this has also given an understanding of the impact of the pandemic on housing land supply and development activity in the borough. Members will recall that the 2021 report was subject to stakeholder consultation as part of its preparation.

- 2.5 A copy of the full Housing Land Availability Study and the Draft 5 Year Statement can be viewed using the following links:

<https://www.ribblevalley.gov.uk/downloads/file/3268/5-year-supply-statement-2022>

<https://www.ribblevalley.gov.uk/downloads/download/529/housing-land-availability-survey-hlas-2022>

### **3 HOUSING LAND SUPPLY**

- 3.1 Members will be aware that the Core Strategy was adopted in 2014 and at its five-year anniversary in 2019 the Council reviewed and determined that the plan required updating. Consequently, work is underway to take this forward and an issues and options consultation ran between May and July of 2022 to engage with residents and key stakeholders on the pertinent matters which the new Local Plan must address. A separate report is included on this committee's agenda providing an update.
- 3.2 In relation to housing supply and requirements, Government guidance outlines that whilst the Development Plan is valid, because it has reached its five-year anniversary and is in the process of being updated (whereby a new housing requirement figure will be adopted), the baseline for housing requirements should be based on the Government's standard methodology approach.
- 3.3 The Standard Methodology Calculation is set out in the 5-year statement and is calculated as a baseline of 133 dwellings per annum. Measured against this, the relevant housing land supply set out in the evidence illustrates a 12.6 year supply. Consequently, the Council can demonstrate a 5-year supply of housing land and strategic housing requirements can be met.
- 3.4 In the interests of providing a comparison against the most recently adopted housing requirement, measured against the Core Strategy requirement of 280 dwellings per annum the housing supply would stand at 5.73 years. This again illustrates that the Council could demonstrate a 5-year supply of housing even in the scenario of the supply position being assessed against the higher, adopted figure.
- 3.5 Although the Council can identify an extensive supply of housing against the nationally defined methodology, Members must be aware that the existing pipeline of housing consents are being built out at an accelerated rate. As a result, the supply position is likely to change quickly, the implications of which must be considered in respect of housing requirement and provision within the emerging Local Plan.
- 3.6 As indicated earlier in this report, one of the issues that has arisen is the availability of up-to-date evidence from landowners and developers to support the assumptions that have been applied in relation to expected delivery. As the 5-year statement will form an important baseline for the Local Plan Review, it is proposed the document is published in

draft form inviting comments from stakeholders on the evidence used and the assumptions made.

- 3.7 It is proposed to publish the document for a consultation period of four weeks to enable stakeholders to provide comments, after which, subject to no adverse issues being raised and subject to any technical amendments, the survey will be published. If issues arise that warrant further consideration by Members, a report will be brought back to this Committee.

#### **4 RISK ASSESSMENT**

4.1 The approval of this report may have the following implications:

- Resources – The cost of publishing the document and undertaking stakeholder engagement are contained within existing revenue budgets.
- Technical, Environmental and Legal – The Council is required to demonstrate it has a 5-year supply of developable housing land, undertaking stakeholder testing will support the ability to maintain a robust evidence base.
- Political – Housing matters remain a corporate priority with widespread community interest.
- Reputation – There is a significant interest in housing related matters.
- Equality & Diversity – None directly. The council's approach to consultation provides opportunity for all to make comments on planning related matters.

#### **5 RECOMMENDED THAT COMMITTEE**

- 5.1 Note the information set out in the latest Housing Land Availability Study (HLAS), endorse its publication and agree to publish the accompanying 5-year supply statement for a period of four weeks to allow for stakeholder consultation.
- 5.2 Following the consultation period and subject to there being no issues that would warrant further consideration by Members, in agreement with the Chair of this Committee, that the document be published as the Council's baseline 5-year housing supply position.
- 5.3 Authorise the Director of Economic Development and Planning to undertake such technical amendments as are deemed necessary.



**MARK WALECZEK**  
PLANNING OFFICER



**NICOLA HOPKINS**  
DIRECTOR OF ECONOMIC  
DEVELOPMENT & PLANNING



## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

---

meeting date: 20 October 2022  
title: PLANNING ENFORCEMENT POLICY 2022-2025  
submitted by: CHIEF EXECUTIVE  
principal author: MAIR HILL, HEAD OF LEGAL AND DEMOCRATIC SERVICES

### 1 PURPOSE

1.1 To seek Committee approval of the Planning Enforcement Policy 2022-2025

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - Clear enforcement priorities and processes support the Council's ambition to protect and enhance the existing environmental quality of our area.
- Corporate Priorities -
- Other Considerations -

### 2 BACKGROUND

2.1 The Council as Local Planning Authority ("LPA") has responsibility for planning enforcement. The power to take planning enforcement action is discretionary and needs to be exercised in such a way as reflects the Council's priorities surrounding development in the context of the Council's available resources.

2.2 The National Planning Policy Framework sets out at paragraph 59 that:

"Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and **local planning authorities should act proportionately in responding to suspected breaches of planning control**. They should consider publishing a **local enforcement plan** to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

The Council approved a Local Enforcement Plan in 2014, and a copy of this can be found at [https://www.ribblevalley.gov.uk/download/meetings/id/7430/agenda\\_item\\_8\\_-\\_local\\_enforcement\\_plan](https://www.ribblevalley.gov.uk/download/meetings/id/7430/agenda_item_8_-_local_enforcement_plan). A comprehensive review of this plan has now been carried out and a new policy produced to replace it. A copy of the draft Planning Enforcement Policy 2022-2025 is enclosed as Appendix 1 to this report. Due to the extent of the revision it is not possible to show this in track changes and so the draft is a new document.

### 3 ISSUES

3.1 The draft policy seeks to set out in a clear and comprehensive format:

- the purpose of planning enforcement (Section 1);
- what amounts to a breach of planning. With respect to issues which do not, it signposts the public to the other relevant departments or organisations (Section 2);
- The process which will be followed and how complaints will be categorised using high, medium and routine priority categories. The timescales for investigating complaints will also be driven by these categories which will allow the Council to focus its resources in those areas which it deems most important (Section 4).
- How complaints will be investigated and the potential routes of action. This is highlighted in a flow chart which it is hoped will help the public navigate and understand what action the Council takes (Section 4-6).
- Clear routes for the public to make complaints, ensuring that they have access to a range of methods including, online, email, telephone, post and in person, ensuring that the service is as accessible as possible to all. The policy and the associated complaint forms also assist in ensuring that the Council has as much information as possible from the outset. This will assist in response times and the efficient use of the Council's resources (Section 4 para 4.2).
- Methods of reporting on planning enforcement are also included, so these are clear and there is a commitment to ensuring that Committee and the public are kept informed on the action taken. This will seek to ensure that the public have confidence in the process (Section 8).
- Proactive monitoring of development. The policy includes provision on how the Council will ensure that it meets this requirement of paragraph 59 of the NPPF (Section 11).

3.2 The policy is intended to run from 2022-2025. A review will take place before October 2025, and it will be updated thereafter. This ensures that more regular reviews will take place in future. The policy will, however, be reviewed before that date should changes to the NPPF of planning guidance occur prior to that or should the Council's priorities be altered. Having considered the above and the content of the draft policy, Committee is asked to approve its content.

## 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – The policy will assist in the efficient use of existing resources
- Technical, Environmental and Legal – All legal comments are incorporated into the body of this report.

- Political – N/A
- Reputation – Adoption of the policy will enhance public confidence in the service.
- Equality & Diversity – The policy ensures that the Equality Act 2010 is embedded into the processes for planning enforcement.

**5 RECOMMENDED THAT COMMITTEE**

5.1 Approve the Planning Enforcement Policy 2022-2025

MAIR HILL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT  
CHIEF EXECUTIVE

**BACKGROUND PAPERS**

For further information please ask for Mair Hill, extension 4418.

REF: MJH/P&D/.10.22

This page is intentionally left blank



Ribble Valley  
Borough Council

---

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

# **PLANNING ENFORCEMENT POLICY 2022 - 2025**

# CONTENTS

1. PURPOSE OF POLICY .....	1
2. WHAT IS A BREACH OF PLANNING CONTROL? .....	2
3. ENFORCEMENT ACTION IS DISCRETIONARY .....	4
4. HOW TO REPORT AN ALLEGED BREACH OF PLANNING CONTROL .....	5
5. WHAT ARE THE POSSIBLE OUTCOMES OF AN INVESTIGATION? .....	8
6. WHAT HAPPENS IF AN ALLEGATION IS MADE AGAINST YOU? .....	10
7. POWER OF ENTRY ONTO LAND .....	12
8. REPORTING ON SUCCESSFUL RESOLUTIONS .....	12
9. PLANNING ENFORCEMENT REGISTER .....	12
10. PROACTIVE DEVELOPMENT MONITORING .....	12
11. HUMAN RIGHTS ACT/EQUALITY ACT .....	13
12. HOW YOU CAN HELP US .....	13
13. COMPLAINTS ABOUT THE SERVICE .....	13
14. HOW TO CONTACT US: .....	14

## 1. PURPOSE OF POLICY

- 1.1 This policy statement relates to Ribble Valley Borough Council's (the Council's) Planning Enforcement service and will describe the purpose of the enforcement service and how the Council will deliver the service to the community.
- 1.2 The policy aims to provide an efficient planning enforcement service in support of the Council's statutory planning service in a clear, consistent, proportionate and open manner. It is recognised that establishing effective controls over unauthorised development assists in conserving the natural and built environment whilst helping to protect the quality of people's lives and maintaining the Council's integrity.

### Government Advice and Legislation

- 1.3 The main sources which the Council will refer to when dealing with planning enforcement are:
- Town and Country Planning Act 1990, which provides the main legislative background regarding breaches of planning control;
  - Planning Practice Guidance document entitled "Ensuring effective enforcement" which was published last revised in 2019; and
  - the revised National Planning Policy Framework (NPPF) last review in July 2021 states at Paragraph 59 that:

*"Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate."*

### The Purpose of Planning Enforcement

- 1.4 The integrity of the planning service depends on the Council's readiness to take enforcement action when appropriate. The Council is committed to providing an effective planning enforcement service.
- 1.5 The planning system is designed to achieve a balance between the rights of landowners to enjoy their property and protecting the amenity of neighbours and the general public. The enforcement of planning control focuses on proportionate resolution rather than punishing those who have acted in breach, sometimes unknowingly. It is expected that landowners and developers will observe the spirit of planning legislation and refrain from carrying out development until the necessary planning permissions have been obtained.
- 1.6 **The Council will not condone wilful breaches of planning control and will exercise its discretion to take enforcement action if it is considered expedient to do so. The Council will investigate alleged breaches of planning control, to determine whether a breach has, as a matter of fact occurred, and if it has, determine the most appropriate course of action.**

## The key objectives of the enforcement policy:

- To provide an accessible service that maintains public confidence in the planning system;
- To provide a service that is both reactive and proactive in its commitment to remedy undesirable effects of unauthorised development;
- To provide a service response that is prioritised according to the harm or the potential harm caused by the breach;
- To provide a development monitoring service that is prioritised according to the scale and complexity of the development permitted; and
- To seek resolution of planning breaches through informal and formal action including, where appropriate, prosecution of offenders to uphold the integrity of the planning system.

## 2. WHAT IS A BREACH OF PLANNING CONTROL?

2.1 A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 (the 1990 Act) as either:

- (a) the carrying out of development without the required planning permission; or
- (b) failing to comply with any condition or limitation subject to which planning permission has been granted.

(development undertaken which is not in accordance with approved plans would fall under (b) above)

2.2 Important factors to consider include the extent of the powers of the planning service which is only concerned with 'development'. Section 55 of the 1990 Act provides the meaning of development as:

"...the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

"...."building operations" includes –

- (a) demolition of buildings
- (b) rebuilding
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder."

"The following operations or uses of land shall not be ....development of the land

- (a) the carrying out of maintenance, improvement or other alterations of any building or works which –
  - (i) affect only the interior of the building, or
  - (ii) do not materially affect the external appearance of the building

.....

2.3 A breach of planning control could involve such matters as the unauthorised erection of a building or extension to a building, a material change of use of land or breaches of conditions attached to planning permissions. Other matters that the Planning Enforcement Service might investigate include:

- the display of unauthorised advertisements;
- works to Listed Buildings without the relevant consent;

- unauthorised works to trees which are the subject of a tree preservation order (TPO) or are in a conservation area;
- untidy land adversely affecting the amenity of the area;
- failure to comply with a Section 106 agreement.

### **Matters that are Not Breaches of Planning Control**

2.4 The following matters do not constitute a breach of planning control:

- internal works to a non-listed building.
- Nuisances caused by odour, noise, light or vermin.
- Obstruction of a highway or public right of way (PROW).
- Parking of vehicles on the highway or on grass verges.
- Parking caravans on residential driveways or within the curtilage of domestic properties providing their use remains incidental to the enjoyment of the property.
- Running a business from home where the residential use remains the primary use and there is no adverse impact on residential amenity.
- Land ownership disputes or trespass issues.
- Covenants imposed on property Deeds.
- Rights of access or access for maintenance to a property.
- Any works that are deemed to be 'permitted development' under the Town and Country Planning (General Permitted Development) Order 2015 as amended and or substituted.
- The display of advertisements that benefit from deemed consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ( consent is granted by the regulations).
- Dangerous structures or other health and safety issues.
- High hedge disputes (dealt with by the Council's Countryside Officer).

2.5 It is not the function of the planning authority to become involved in private neighbour disputes where no planning issue is evident. Additionally, it is not the Council's role to mediate in private legal disputes such as boundary disputes or damage to private property. Such cases will not be investigated as they are civil matters, and the customers will be advised accordingly.

### **Who to Contact for Non-Planning Issues**

2.6 Many property and land issues may arise which are not the responsibility of, or within the jurisdiction of, the Council. The following examples are provided as a guide and are not intended to be exhaustive or to cover every situation.

- 2.7 Internal works to a non-listed building are not development and not the responsibility of the Council as Local Planning Authority. If the alterations are structural, these may fall under the remit of the relevant body which discharges the Building Regulations function, in the case of Ribble Valley this would be the Council's Building Control service. Building Control would also be the responsible body for investigating dangerous structures.
- 2.8 Matters relating to nuisances caused by odour, noise, light or vermin would be dealt with by the Environmental Health department within the Council.
- 2.9 Any matters relating to the highway, including obstruction of a highway or public right of way (PROW) or indiscriminate parking would be dealt with by the Lancashire County Council as Highway Authority, or in some cases the police.
- 2.10 Other issues, such as restrictions imposed by legal covenants which may restrict the parking of caravans on domestic properties, the operation of a business from home, land ownership disputes and issues over rights of way or access to property for maintenance purposes, would be civil matters and advice may need to be sought from a solicitor.
- 2.11 The Council will endeavour to, where possible, pass on details of complaints which relate to other regulatory regimes, particularly those which constitute a criminal offence.

### **3. ENFORCEMENT ACTION IS DISCRETIONARY**

- 3.1 As outlined above, paragraph 59 of the NPPF advises that whilst effective enforcement is important to maintain public confidence in the planning system, enforcement action is a discretionary function.
- 3.2 It is important to note that, just because there may be a breach of planning control, this in itself may not be sufficient reason to take enforcement action. The Council must first decide, having given regard to the policies contained in its Local Development Plan, the National Planning Policy Framework (NPPF) and any other material planning considerations, whether or not it is 'expedient' to take formal action.
- 3.3 The test of expediency requires a careful assessment of the nature and extent of the breach or breaches of planning control and the degree of harm they might be causing to the environment and/or amenity of the area. Therefore, enforcement action is discretionary, and each case must be assessed on its own merits.
- 3.4 The NPPF also advises that councils should act proportionately with regard to suspected breaches of planning control. Generally, the use of formal enforcement powers should be a last resort, unless the extent and nature of the breach is such that it is causing unacceptable and irreversible harm. Typically, the Council will give those responsible for a breach of planning control the opportunity to cease the breach of planning control or seek to regularise the breach before resorting to using its formal enforcement powers. Ultimately the use of such powers must be proportionate and commensurate to the breach of planning control.

**This means that the Council may not take formal enforcement action in all cases where there has been a breach of planning control identified.**

- 3.5 All complaints will be:
- given a priority based on the Council's published priority table (see below);

- investigated, including visiting the site where necessary in line with the published timescales contained in the policy document; and
- pursued until such a time that the matter is satisfactorily resolved by one of the following:
  - The breach is ceased/removed following informal negotiations with enforcement officers.
  - The breach is regularised (either by the grant of retrospective planning permission or the taking of formal action).
  - It is found to be lawful; and/or
  - A decision is taken that it is not expedient to pursue the breach formally.

3.6 In the event that a formal notice is served and there is a failure to comply with the requirements of the notice, it is an option for cases to be pursued through the Magistrates' Courts or higher court where necessary.

#### **4 HOW TO REPORT AN ALLEGED BREACH OF PLANNING CONTROL**

4.1 The Council considers a large number of complaints each year concerning alleged breaches of planning control. In order that a complaint can, be dealt with as soon as possible it is important to provide the Council with as much information as possible. Below is a list of the type of information that would assist the Council in dealing with a complaint:

- An accurate description of the exact location or address where the alleged breach is taking place.
- A detailed description of the activities taking place that are cause for concern.
- Where known, the names, addresses and phone numbers of those persons believed to be responsible for the alleged breach or the landowner's details.
- The date and times of when the alleged breach first took place and whether it is ongoing.
- If the complaint relates to a material change of use of the land, a description of the previous use and condition of the land.
- Any other information or evidence that may be able to assist (eg: photographs, vehicle registration numbers).
- The complainant's name, telephone number and address or e-mail address.

4.2 Complaints about alleged breaches of planning control can be submitted through:

- Council's [website](#)
- E-mail : [planning.enforcement@ribblevalley.gov.uk](mailto:planning.enforcement@ribblevalley.gov.uk)
- Letter addressed to – Planning Enforcement Officer, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA.
- Telephone 01200 425111.

- In person at the Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA.

- 4.3 It is important for the Council to hold the details of the complainant so that the outcome of the investigation can be communicated to them, or if additional information is required during the course of the investigation. The details of the complainant are normally treated as confidential; however, in some circumstances this may not be possible particularly when matters progress to court and the complainant may be required to give evidence and/or details of the complaint must be disclosed.
- 4.4 The substance of enforcement complaints are not in themselves confidential. In some cases, it may be necessary to rely on evidence from complainants in order to take action and the complainant would need to consider whether they are willing to assist the Council by collecting evidence and potentially acting as a witness at an appeal or in Court. Information relating to planning issues may also fall within the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 and it is possible that documents may have to be disclosed. A planning enforcement officer will explain what may be required in these cases.
- 4.5 Once a breach of control has been established, the complainant may be asked to make a note of your observations and keep a log of any relevant activities. It is particularly useful to note times, dates, names, addresses, telephone numbers and registration details of any vehicles involved.

#### **Anonymous Complaints**

- 4.6 Anonymous complaints will not normally be investigated. Complainants who do not wish to give their personal details will be advised to contact either their Ward Councillor or their parish council who may then raise their concerns on their behalf.

#### **Vexatious, Malicious or Repeated Complaints**

- 4.7 Vexatious, malicious or repeated complaints that do not have any substantive planning basis will not normally be investigated.

#### **Abusive or Unreasonable Complainants**

- 4.8 The Council will not tolerate any insulting, threatening words or behaviour towards its staff at any time, either in person or via any other means. Any abusive telephone calls will be terminated. This will be dealt with in accordance with the Council's Unreasonable Customer Behaviour Policy.

#### **How will we Prioritise Complaints?**

- 4.9 In order to make the best use of resources available it is important to prioritise the complaints received in accordance with the seriousness of the alleged breach. This will initially be decided by the Council following receipt of the complaint. However, this may be subject to change following a site inspection or when further information comes to light.

#### **Priority Categories**

The Council will designate complaints with the following categories.

### **Priority 1 (High)**

4.10 Development causing significant and irreversible damage to the environment or amenity. Typical examples are:

- unauthorised works to, or demolition of a listed building or building within a Conservation Area;
- unauthorised development within a Conservation Area (where the development may impact on the character and appearance of the area);
- unauthorised works to trees protected by a Tree Preservation Order or in a Conservation Area;
- unauthorised development close to or within a Site of Special Scientific Interest (SSSI);
- large scale engineering operations within the Green Belt;
- breaches of statutory planning notices such as Enforcement Notices.

### **Priority 2 (Medium)**

4.11 Development causing less significant but continued harm to the environment or amenity, time-sensitive breaches or development that compromises public safety. Examples include:

- large-scale unauthorised engineering/construction works where a significant impact is felt over a wide area;
- substantial operational development in the Green Belt;
- unauthorised changes of use causing significant harm to the amenity of an area, for example car repairs business from a residential property;
- unauthorised vehicle accesses causing significant risk to highway safety;
- development/operations which are not in accordance with approved plans/conditions of a planning permission;
- unauthorised development within a Conservation Area (not falling within Priority 1).

### **Priority 3 (Routine)**

4.12 Development causing a limited degree of disturbance to local residents or damage to the environment. Examples include:

- unauthorised operational development which would be likely to receive planning permission;
- unauthorised fences/walls/gates (unless public safety is compromised/ attached to or adversely affecting the setting of a listed building);
- unauthorised telecommunications equipment/satellite dishes/equipment on residential dwellings;

- display of advertisements not causing significant harm to amenity or public safety.

### **Timescales for Investigations**

4.13 Enforcement officers will endeavour to carry out an initial site visit for:

- Priority 1 cases within 1 working day.
- Priority 2 cases within 5 working days
- Priority 3 cases within 20 working days.

4.14 Each complaint will be allocated a Priority upon receipt based on the information available at that time. Complaints will be re-categorised should further information become available which suggests a quicker response time is more appropriate.

## **5. WHAT ARE THE POSSIBLE OUTCOMES OF AN INVESTIGATION?**

### **No Breach Established**

5.1 Following an initial site visit it may be found that there is no breach of planning control because, for example, the activity or operations do not amount to development, the unauthorised use has ceased, or the development already has planning permission or is permitted development.

### **There is a Breach of Planning Control but Not Considered Expedient to Pursue?**

5.2 Just because a breach may exist does not automatically mean that formal action will be taken. Enforcement powers are discretionary and minor technical breaches or circumstances where the development is considered acceptable (planning permission might be granted) may not be considered expedient to pursue as it may be considered to be 'de minimis' or not in the public interest to warrant pursuing.

### **The development is Lawful and Immune from Enforcement Action**

5.3 This is when the unauthorised development or unauthorised change of use has occurred over a long period of time without being brought to the attention of the Council. There are certain time limits involved in relation to operational development and changes of use. Enforcement action cannot be taken against developments which are immune under planning legislation due to specific time limits which are:

- 4 years for unauthorised operational development or change of use of a building to use as a single dwelling house;
- 
- 10 years for a material change of use of land and buildings or a breach of a condition imposed on a planning permission.

5.4 **Note:** Where it appears that a person has deliberately attempted to conceal a breach of planning control in order to achieve immunity from enforcement action, the Council can apply to the Magistrates' Court for a "Planning Enforcement Order" in respect of the breach. If granted, the Order allows the Council up to a year to take formal enforcement action against the apparent breach. Such circumstances are rare, and the Council must be satisfied that there has been a deliberate attempt to conceal the breach of planning control.

### **Negotiations Take Place to Find a Solution**

- 5.5 In accordance with Government guidance the first priority is to try and resolve any breaches of planning control through negotiation. Only when such negotiations fail to secure a solution should formal action be considered. The Council will not, however, allow negotiations to become protracted where there is a need to make the development acceptable or where there is a requirement for a particular use to cease.

#### **Lack of Evidence**

- 5.6 In some cases it may not be possible for the Council to confirm that the alleged breach is taking place. In such cases, complainants will be asked to assist in providing evidence that could be used at both the appeal stage and at any subsequent legal proceedings. A lack of sufficient evidence may result in no action being taken.

#### **Invite a Retrospective Application**

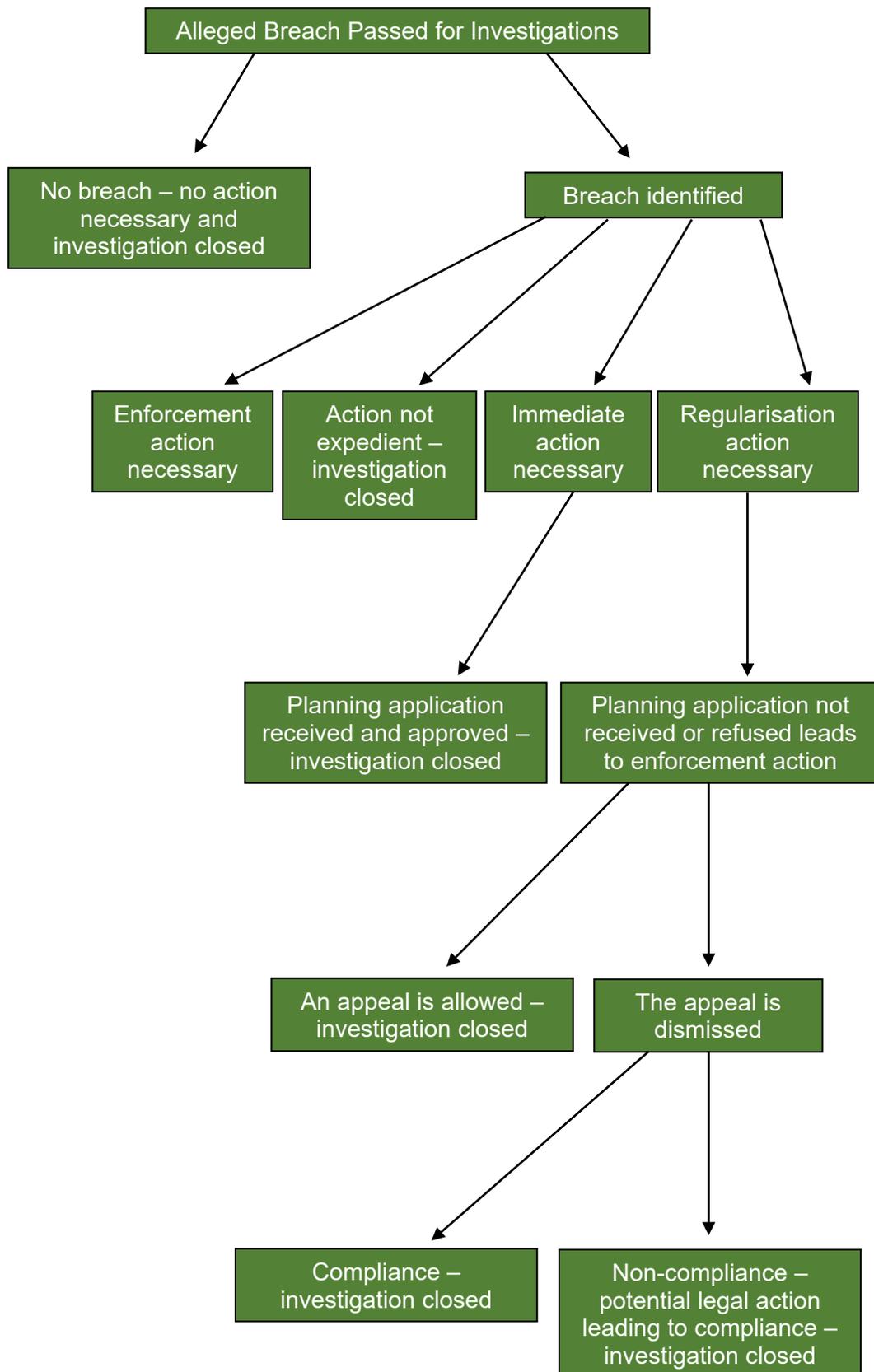
- 5.7 In accordance with Government advice the Council will firstly seek to negotiate an amicable solution to any confirmed breach of planning control. By entering into negotiations with the parties involved, a solution may be found which could involve: the cessation of any unauthorised change of use or building operations; the removal of any unauthorised building works or items constituting a material change of use of land; or the remedy of any breach by the submission of a retrospective planning application.
- 5.8 A retrospective application will be invited where it is considered that there is a reasonable likelihood that planning permission may be granted in line with local and national planning policies or where unacceptable impacts of development could be mitigated or a development may be made acceptable by way of the imposition of conditions.
- 5.9 Minor or technical breaches of planning control may not be pursued in the event that a retrospective application has been requested and not submitted or where it is not considered expedient or in the public interest to do so.

#### **Formal Action**

- 5.10 The Council has a range of formal powers under the Town and Country Planning Act that it can use to remedy breaches of planning control. More information on these powers can be found at Appendix 1:
- 5.11 In addition to the powers detailed in Appendix 1, the Local Planning Authority also has powers under the Planning (Listed Buildings and Conservation Areas) Act 1990 to serve a repair notice or require urgent works to be undertaken in the interests of preserving a listed building/structure.
- 5.12 Further information is available in [The National Planning Policy Guidance \(NPPG\)](#).
- 5.13 In addition to the above, further action is available including taking direct action to remedy a breach or to instigate prosecution proceedings in The Magistrates' Court for non-compliance with a formal notice where it is deemed necessary to do so.
- 5.14 The Council will comply with the provisions of the Police and Criminal Evidence Act 1984 when interviewing persons suspected of a criminal offence. In exceptional circumstances surveillance may be considered to investigate an alleged breach, in these circumstances the Regulation of Investigatory Powers Act 2000 (RIPA) and the Council's RIPA policy will apply.

## **6 WHAT HAPPENS IF AN ALLEGATION IS MADE AGAINST YOU?**

- 6.1 If a complaint is received that affects you, the first thing that will happen is either you will be contacted (where your details are known to the Council) or the site in question will be visited by an enforcement officer. The purpose of this initial visit is to establish the facts of the case and whether there is any basis to the allegations made. The officer will, where necessary, take measurements and photographs of the development or activity taking place. This site inspection may be undertaken without any prior notification.
- 6.2 If it is established that a breach of planning control has occurred, you will be advised of the details of the breach and of what steps need to be taken to either rectify the breach or regularise the situation.
- 6.3 You will be given a reasonable period of time (subject to the nature of the breach) to resolve any breach of planning control. If compliance is not secured through amicable negotiations or the submission of a retrospective planning application, formal action may be instigated.
- 6.4 The Council will seek to avoid long drawn-out negotiations intended to hold the council back from taking formal action. In many cases, particularly where the works are likely to be acceptable, you may be invited, without prejudice, to submit a retrospective planning application. In cases where pre-commencement conditions have not been discharged, you may still be able to apply to discharge the condition providing the permission has not lapsed. Alternatively, you may need to submit a new planning application.
- 6.5 If you are served with a formal notice, the enforcement officer can help to explain the general meaning of the notice and assist you to understand its implications. However, the Council's enforcement officers cannot act as your advisors and cannot make decisions on your behalf. In such circumstances you are strongly advised to also seek your own independent legal/ planning advice.
- 6.6 The process for dealing with allegations of unauthorised development is set out in the flow chart below:



## **7. POWER OF ENTRY ONTO LAND**

- 7.1 Section 196 of the Town and Country Planning Act (as amended) and the Planning (Listed Buildings and Conservation Area) Act 1990 gives officers of the Council the power to enter land and/or premises at all reasonable hours in order to undertake his/her official duties. Wilful obstruction of a person exercising a right of entry is an offence.
- 7.2 The above does not allow the admission to any building used as a dwelling house to be demanded as a right by virtue of the aforementioned legislation, unless twenty-four hours prior notice of the intended entry has been given to the occupier of the building.

## **8 REPORTING ON SUCCESSFUL RESOLUTIONS**

- 8.1 The Council understands that the enforcement process can often appear opaque from the public's perspective as the Council does not hold regular consultations on specific investigations. This is to ensure that the evidence collected during investigations is legitimate and admissible in court should this be necessary. However, in order to ensure that the public see real enforcement work being carried out either through positive negotiation, regularisation or through stronger enforcement powers, Officers will report to the Planning and Development Committee quarterly on Enforcement generally and to provide details on any specific cases where formal action has been successful.

## **9. PLANNING ENFORCEMENT REGISTER**

- 9.1 The Council holds a Planning Enforcement Register which provides details of the Enforcement Notices issued by the Local Planning Authority. The Register can be found at [Planning Enforcement](#)

## **10. PROACTIVE DEVELOPMENT MONITORING**

- 10.1 Paragraph 59 of the NPPF requires councils to, whilst setting out their Enforcement Plan, set out how they will monitor the implementation of planning permissions being developed out within their area.
- 10.2 The Council is currently delivering a large amount of development as part of its adopted Core Strategy and these developments, usually of a large scale, are mostly located close to existing settlements and therefore have potential to impact on the amenities of existing residents during the construction phase. Furthermore, developers are often required to implement various environmental safeguards and enhancements as part of their development package which must be delivered in a timely fashion, as controlled by the planning permission. For many larger scale developments, financial obligations or infrastructure are also secured and the payment of these funds or the delivery of the infrastructure is often provided for by complying with the requirements of the Section 106 Agreement.
- 10.3 For these reasons the Council operate a proactive development monitoring service to ensure that developments are carried out strictly in accordance with the restrictions, limitations and requirements of the planning permissions, including any conditions imposed on the consent as well as any obligations secured through a Section 106 Agreement. The Council will achieve this by:
- actively monitoring the progress of developments, including commencement and occupation levels;

- ensuring that, where appropriate, developers provide details and information secured by condition and through Section 106 Agreements in accordance with the required timescales of the planning permission;
- ensuring that the development is carried out in accordance with the approved plans/details and that this is achieved within the agreed timescales; and
- ensuring that all financial obligations are secured and collected as required by the planning permission.

10.4 Certain elements of the development such as the adoption of roads and sewers as well as occupier contributions to fund management companies are not controlled through the planning permission and therefore sit outside of the remit of the Council.

10.5 Through the proactive monitoring of development sites, the Council will, when a breach is identified, investigate the breach in accordance with monitoring and timescales explained earlier in this policy. As with reactive planning enforcement and in line with national planning policy guidance, not all breaches of planning control will result in formal enforcement action. Each breach will be investigated and considered on its own merits appropriately considering the level of harm arising from the breach. Carrying out proactive compliance in this way should result in a reduction in the number of retrospective enforcement complaints received.

## **11. HUMAN RIGHTS ACT/EQUALITY ACT**

11.1 When making decisions relating to enforcement activity officers will have regard to the Human Rights Act 1998 and the Equality Act 2010.

## **12. HOW YOU CAN HELP US**

12.1 If you are unsure as to whether planning permission is required, please contact the Council's Planning service for advice before starting work.

12.2 If you already have planning permission, check to see if any conditions must be satisfied before starting work and ensure you build in accordance with the approved plans. If you want to make any changes, please contact the Planning service before carrying out work which deviates from or is not shown on your approved plans.

## **13. COMPLAINTS ABOUT THE SERVICE**

13.1 If you are unhappy about the level of service you have received from the planning enforcement service, or how the process has been managed, then you may firstly discuss your concerns with the Head of Legal and Democratic Services or take it further through the Council's Corporate Complaints Procedure. Details of how to make a complaint may be found at [Complaints](#).

13.2 If, after the matter has been through the Council's complaints procedure you remain unhappy, you may then write to the Local Government Ombudsman who may investigate your concerns. However, please note that the Local Government Ombudsman will only become involved if the matter has been considered under the Council's complaints procedure.

## **14. HOW TO CONTACT US:**

14.1 You can contact us:

**Telephone:** 01200 425111

**Email:** [planning.enforcement@ribblevalley.gov.uk](mailto:planning.enforcement@ribblevalley.gov.uk)

**Post:** Planning Enforcement, Ribble Valley Borough Council, Council Offices,  
Clitheroe, Lancashire BB7 2RA.

## **Summary of Enforcement Powers**

This Appendix contains a summary of the main formal enforcement powers available to the Council when investigating enforcement enquiries and dealing with breaches of planning control. In each individual case the Council must assess which action or combination of actions is best suited to dealing with the particular breach of planning control in order to achieve a satisfactory and cost-effective remedy. Most of these powers are contained within the Town and Country Planning Act 1990 ("The 1990 Act"). The Council has other powers at its disposal which may be the responsibility of other areas of the Council, for example, Environmental Health, and the most appropriate powers or combination of powers may be used to address a situation.

### **Requests for Information Notices**

#### **Planning Contravention Notice (PCN) (Section 171C of the 1990 Act)**

This can often be the first formal step in resolving a breach of planning control. It is the main method for gathering further information regarding suspected breaches of planning control. The intention of a PCN is also to send a clear warning that further formal action is being considered once the facts of the case have been established.

#### **Section 330 Notice (Section 330 of the 1990 Act)**

This power is also used to obtain information, although usually in cases where the Council has sufficient details about the activities being carried out but requires further information concerning ownership. It involves serving a formal notice on occupiers and/or persons with other interests in the premises or land.

**Note: For both of these notices it is an offence to fail to comply with the requirements of the notice within the period set for its return OR to make false or misleading statements in reply.**

### **Formal Enforcement Notices**

#### **Enforcement Notice (EN) (Section 172 of the 1990 Act)**

This is the most common form of notice used to deal with a breach of planning control. It is served when the Council is satisfied that there has been a breach of planning control and that it is expedient to take action. An EN will allege the breach or breaches of planning control that has or have taken place, the steps that must be taken to remedy that breach or breaches and specify the time period for compliance with the requirements of the notice.

An EN does not take effect until at least 28 days after being served to allow the recipient(s) time to lodge an appeal with the Secretary of State. An appeal stops the notice taking effect until the appeal is determined. If an appeal is lodged all complainants and immediate neighbours will be advised of the appeal and how to make representations to the Planning Inspectorate.

**Failure to comply with the requirements of an EN once it has taken effect is a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine of up to £20,000 or an unlimited fine on conviction in the Crown Court.**

### **Breach of Condition Notice (BCN) (Section 187A of the 1990 Act)**

Can be used as an alternative to an EN but only in circumstances where there has been a failure to comply with certain conditions placed on a planning permission. (It does not apply to breaches of control relating to listed buildings, advertisements, or protected trees). A BCN will specify details of the breach and the steps required to secure compliance. Unlike an EN, there is no right of appeal against a BCN and it takes effect immediately. However, a minimum period of 28 days has to be given for compliance.

**Failure to comply with the requirements of a BCN is a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine up to £2,500.**

### **Stop Notice (SN) (Sections 183 & 184 of the 1990 Act)**

Used alongside the serving of an EN, when the effects of continued unauthorised activity are seriously detrimental to amenity, public safety or causing irreversible harm to the environment an immediate action to stop the activity is justified. This notice can be used to ensure that the activity does not continue during the time before the EN takes effect or when an appeal is lodged against the EN.

SN's are normally only used in very exceptional circumstances as there can be significant compensation liabilities against the Council if the EN is subsequently quashed.

**Failure to comply with the requirements of an SN is a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine up to £20,000 or an unlimited fine on conviction in the Crown Court.**

### **Temporary Stop Notice (TSN) (Section 171E-H of the 1990 Act)**

As with SN's, TSN's are normally only used in exceptional circumstances. Unlike an SN, however, a TSN can be served without first having to serve an EN. However, TSN's can only seek cessation of activity for a period of 28 days and so will only be applied where the serious breach needs to be stopped immediately whilst the Council considers whether an EN needs to be issued.

**Failure to comply with the requirements of a TSN is also a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine up to £20,000 or an unlimited fine on conviction in the Crown Court.**

### **Planning Enforcement Order (Sections 171BA to 171 BC of the 1990 Act)**

Used where the normal time periods for immunity, a period after which enforcement action cannot be taken, has passed. Where a person deliberately conceals unauthorised development, the deception may not come to light until after the time limits for taking enforcement action have expired. A Planning Enforcement Order enables an authority to take action in relation to an apparent breach of planning control, notwithstanding that the time limits may have expired.

### **Untidy Land Notice (ULN) (Section 215 of the 1990 Act)**

The Council has the power to issue a ULN on the owner or occupier of land if it appears that the amenity of the area is adversely affected by the condition it is being kept in. A ULN may deal with buildings as well as land and would specify the steps required to remedy the existing condition and within what time scale. The recipient of ULN can appeal against it to the Magistrates' Court.

**Failure to comply with a ULN is an offence which, on conviction in the Magistrates' Court, can lead to a fine up to £1,000 on conviction. The Council may also use its direct-action powers (see below) to enter the land and carry out the requirements of a ULN that has not been complied with.**

### **Tree Replacement Notice (TRN) (Section 207 of the 1990 Act)**

If a tree that is protected by a Tree Preservation Order is removed, uprooted or destroyed in contravention of the Order there is a duty on the landowner to plant a replacement tree of appropriate size and species in the same place. Where the landowner does not comply with this duty, the council has the power to serve a TRN requiring them to plant a replacement tree or trees. The TRN will specify the species and size of tree or trees to be planted and also the time period for compliance. A TRN does not take effect until at least 28 days after being served to allow the recipient(s) time to lodge an appeal to the Secretary of State. An appeal stops the notice taking effect until the appeal is determined.

### **Works in Default Powers (ie: Direct Action)**

The Council may enter land and carry out the required works to secure compliance when an EN, ULN, LBEN (see below) or TRN has taken effect but has not been complied with. There is no requirement to give notice to either the owner or occupier of the land and anyone who wilfully obstructs the exercise of these powers is guilty of a criminal offence. The costs of the works in default can be recovered from the landowner or a legal charge placed on the land.

### **Other Enforcement Powers**

#### **Prosecution**

Unauthorised works to a Listed Building.

Under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is a criminal offence to demolish a listed building or to carry out works/alterations which affect its character without the Council's prior written consent. Where such works have taken place without permission the Council may prosecute anyone who is found to have executed the work or to have caused the work to be executed.

It is also an offence to demolish unlisted buildings/structures in a Conservation Area (subject to some exceptions) without planning permission.

**The penalty on conviction in the Magistrates Court for this offence could be imprisonment for up to six months or a fine of up to £20,000 or both. The penalty on conviction in the Crown Court for this offence could be imprisonment for up to two years or an unlimited fine or both.**

Unauthorised works to protected trees.

Under section 210 of the 1990 Act, it is a criminal offence to cut down, uproot, wilfully destroy or wilfully damage a tree protected by a Tree Preservation Order or in a Conservation Area. Consent from the Council also has to be obtained for any remedial works to a protected tree such as lopping or pruning. Where such works have taken place without consent the Council may prosecute anyone who is found to have carried out the work or anyone who has caused or permitted the work to be carried out.

**The penalty on conviction in the Magistrates Court for this offence could be a fine of up to £20,000. The penalty on conviction in the Crown Court for this offence could be an unlimited fine.**

Display of Unauthorised Advertisements.

Under section 224 of the 1990 Act it is a criminal offence for any person to display an advertisement in contravention of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

**The penalty on conviction in the Magistrates Court for this offence could be a fine of up to £1000.**

#### **Injunctions (section 187B of the 1990 Act)**

In exceptional cases where there is a necessary and serious need to restrain an actual or apprehended breach of planning control, the Council can apply to the County Court or High Court for injunctive relief. An injunction can be sought whether or not any other enforcement action(s) has been taken.

Injunctive action can be very costly and is normally only considered as a last resort where other enforcement action is unlikely to resolve a breach. If successful, the Council will obtain an Order from the Court restraining the breach of planning control against the landowner and even against persons unknown.

**If a person fails to comply with an injunction they can be committed to prison for contempt of court.**

#### **Listed Building Enforcement Notice (LBEN)**

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has the power to issue a Listed Building Enforcement Notice where unauthorised works have been or are being carried out to the listed building without Listed Building Consent. As with a standard Enforcement Notice, a Listed Building Enforcement Notice will specify the nature of the unauthorised works, the steps that must be taken to restore the building to its former state or, where this is not possible, any further remedial works that are considered necessary. The notice will also specify the time period for compliance with the requirements of the notice and may specify a different time period for each different step that is required to be undertaken. A Listed Building Enforcement Notice does not take effect until at least 28 days after being served to allow the recipient(s) time to lodge an appeal to the Secretary of State. An appeal stops the notice taking effect until the appeal is determined. If an appeal is lodged all complainants and immediate neighbours will be advised of the appeal and how to make representations to the Planning Inspectorate

**Failure to comply with a Listed Building Enforcement Notice that has taken effect is a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine of up to £20,000 or an unlimited fine on conviction in the Crown Court.**

## **RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE**

---

meeting date: THURSDAY, 20 OCTOBER 2022  
title: RIBBLE VALLEY LOCAL PLAN - UPDATE  
submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING  
principal author: COLIN HIRST – HEAD OF REGENERATION & HOUSING

### **1 PURPOSE**

- 1.1 To receive an update on progress with the replacement Ribble Valley Local Plan.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – To ensure that the borough remains a sustainable place to live and work.
  - Corporate Priorities – The authority has a legal duty to update its Local Plan for the area.
  - Other Considerations – None.

### **2 INFORMATION**

- 2.1 Members will be aware that work is progressing on the production of a new Local Plan for the borough. This intends to replace the adopted Core Strategy by setting out the strategic policies aimed at guiding development within the borough, bringing forward provisions of the HED-DPD as well as including non-strategic policies to be used for development management purposes.
- 2.2 The local plan process has several key stages which are set out in detail in the Local Development Scheme. The most recently published LDS can be viewed using the following link: (<https://www.ribblevalley.gov.uk/downloads/file/3075/local-development-scheme-may-2022>)
- 2.3 In preparing a new local plan the council is required to promote the opportunity to discuss and debate key issues and options to be considered in forming its plan through the key stage known as the Regulation 18 stage.
- 2.4 Critically the Regulation 18 stage is not a draft plan and its proposals and commentary have no status in planning terms. The stage is designed to raise issues and seek views from stakeholders through a round of statutory consultations. The Council published its Regulation 18 document over the summer and received a good level of response to help inform the new plan. The consultation document can be viewed using the following link: <https://www.ribblevalley.gov.uk/downloads/file/3076/regulation-18-strategic-matters-consultation-document>
- 2.5 Further information is also contained in the related report considered by this committee at its meeting held on the 12 May 2022, Minute 14 refers.
- 2.6 The consultation was undertaken in accord with the Council's Statement of Community Involvement with direct mailings to those on the local plan contact lists which includes a wide range of consultees, members of the public, landowners,

employers, and members of the development industry.

- 2.7 A specific briefing and forum meeting was held with the Parish Council's aimed at exploring issues and assisting the Parishes to contribute. The event was well attended, and many Parishes submitted comprehensive responses into the consultation for consideration.
- 2.8 Members will be recall that it was previously resolved to have the Local Plan working group consider the outcome of the consultation ahead of the response and the next stages being considered by this committee. Arrangements are in place for the Working Group to undertake their detailed review of the response and consider the implications, with the intention of the outcome being considered by members at the December Committee cycle.
- 2.9 At this stage the headline position is that there is overall support for maintaining the existing Development Strategy, but that some consideration needs to be given to sustaining villages. Overall, Climate Change issues and mitigation need strengthening and concerns that continued past rates of development are not appropriate have been expressed.
- 2.10 Members will recall that establishing the housing requirement for the area was and remains a key concern with strong representations from the industry indicating that adopting the Governments Standard Methodology is not considered appropriate.
- 2.11 Several sites have been promoted through the consultation for housing, employment uses and suggested open-space, and these will need to be considered alongside the wider response to the call for sites exercise which has helped demonstrate that if needed, the Council will be able to meet potential land requirements. This will be subject to detailed consideration by the working group and subsequent committee in due course.
- 2.12 It is important to identify that progress for the Local Plan does remain subject to a few challenges. Whilst several posts have been recently filled, the Senior post in the team remains vacant which does have an impact upon capacity. It has also been difficult to secure consultancy support in respect of evidence-based pieces of work which may have an impact upon the reliability of the evidence base but there is opportunity to address this. Work is currently ongoing to identify options for addressing these resource issues.
- 2.13 In addition, Members will be aware of the suggestions that there will be imminent changes to National Policy and Planning Legislation that may impact upon plan progress and steps the council will need to take. At present the intention is to keep potential changes under review and progress with the current framework to avoid delaying progress on the plan.



COLIN HIRST  
HEAD OF REGENERATION & HOUSING



NICOLA HOPKINS  
DIRECTOR OF ECONOMIC  
DEVELOPMENT AND  
PLANNING

### **BACKGROUND PAPERS**

Local Plan Files and Publications.

For further information please ask for Colin Hirst, extension 4503

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

---

meeting date: 20 OCTOBER 2022  
 title: CAPITAL MONITORING 2022/23  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: ANDREW COOK

### 1 PURPOSE

1.1 To report the progress on this Committee's 2022/23 capital programme for the period April to September 2022.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – none identified.
- Corporate Priorities – to continue to be a well-managed council, providing efficient services based on identified customer need.
- Other considerations – none identified.

### 2 2022/23 CAPITAL PROGRAMME BACKGROUND

2.1 One capital scheme for this Committee's 2022/23 original estimate budget, totalling £26,420, was approved by the Policy and Finance Committee and Full Council at their meetings in February 2022 and March 2022 respectively. The approved scheme had been moved from the 2021/22 capital programme to the 2022/23 capital programme.

2.2 As a result of the above, the total approved budget for this Committee's capital programme of one scheme is £26,420.

### 3 CAPITAL MONITORING 2022/23

3.1 The table below summarises the financial position on this Committee's one capital scheme, as at the end of September 2022. Annex 1 shows financial information and budget holder comments to date for the scheme.

Cost Centre	Scheme	Original Estimate 2022/23 £	Budget Moved from 2021/22 £	Total Approved Budget 2022/23 £	Actual Expenditure including commitments as at end of September 2022 £	Remaining Budget as at end of September 2022 £
PLANN	Introduction of Planning Portal Link to the Planning Application System and Planning System Update	0	26,420	26,420	0	26,420
<b>Total Planning and Development Committee</b>		<b>0</b>	<b>26,420</b>	<b>26,420</b>	<b>0</b>	<b>26,420</b>

- 3.2 There has been no spend on the **Introduction of Planning Portal Link to the Planning Application System and Planning System Update** scheme to date in 2022/23. The scheme remains on hold, awaiting the outcome of whether a proposed wider Software Upgrade for Regulatory Services capital scheme bid will be approved as part of setting the Council's future capital programme budget for 2023/24 to 2027/28, by February 2023. The proposed wider scheme includes a combined software system for several Council services, including Planning and Building Control services. If this capital bid is approved then there will be no requirement to complete the planning system upgrade scheme.
- 3.3 In the meantime, the software supporting the current planning system is currently out of date and an update will be required in the near future. The nature of the update required will determine whether the spend is funded from revenue or from this capital scheme budget.
- 4 CONCLUSION
- 4.1 At the end of September 2022 there had been no spend on the Introduction of Planning Portal Link to the Planning Application System and Planning System Update scheme. The scheme is currently on-hold and it is unclear whether there will be any spend on the scheme in 2022/23.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PD6-22/AC/AC  
10 October 2022

For further background information please ask for Andrew Cook.  
BACKGROUND PAPERS – None

## Planning and Development Committee – Capital Programme 2022/23

### Introduction of Planning Portal Link to the Planning Application System and Planning System Update

Service Area: Planning Services

Submitted by: John Macholc

#### Brief Description of the Scheme:

**Planning Portal Link** - Introduction of a software link and associated hardware to enable a link between the external facing Planning Portal and the back office planning system for processing and inputting of planning applications. All application documents entered into the Planning Portal will be automatically transferred to the Council's Planning system.

**Planning System Update** – Additional upgrades/modules added to the Planning System to allow:

- Planning documents to be scanned onto the in-house Planning System and then stored and viewed electronically on the Planning system.
- Planning documents available in real time for public access via the internet.

The proposal is to implement these system changes in 2016/17 to allow service improvements to be implemented as soon as possible. This would involve some additional server space being obtained before the new Council-wide ICT infrastructure refresh is implemented in 2017. The system changes are:

- Planning portal integration software and installation.
- Consultant costs to facilitate the M3 to Engage migration.
- Additional server space – likely purchase of a reconditioned server.
- Fast scanner purchase.
- EDRM document management upgrade with consultant input.
- Purchase of public access module.

The Council's Northgate M3 planning system will be migrated across to the Northgate Engage system in the next twelve months and it is proposed to make these changes when the transfer takes place.

#### Revenue Implications:

Breakdown	£
Supplies and services – <i>Planning portal support costs and EDRM extra licensing costs</i>	2,300
<b>Total Estimated <u>Annual</u> COSTS</b>	<b>2,300</b>
Estimated Lifespan	Up to 10 years
<b>Total Estimated <u>Lifetime</u> COSTS</b>	<b>23,000</b>

#### Original Timescale for Completion:

2016/17  
6-22pd  
3 of 7

# Annex 1

## Planning and Development Committee – Capital Programme 2022/23

### Capital Cost:

	£	Actual Expenditure including commitments as at end of September 2022 £	Remaining Budget as at end of September 2022 £
Original Estimate 2022/23	0		
Budget Moved from 2021/22	26,420		
<b>Total Approved Budget 2022/23</b>	<b>26,420</b>	<b>0</b>	<b>26,420</b>
Actual Expenditure 2016/17	0		
Actual Expenditure 2017/18	0		
Actual Expenditure 2018/19	3,775		
Actual Expenditure 2019/20	0		
Actual Expenditure 2020/21	0		
Actual Expenditure 2021/22	0		
<b>ANTICIPATED TOTAL SCHEME COST</b>	<b>30,195</b>		

### Progress - Budget Holder Comments:

**September 2022:** There has been no spend on the scheme to date in 2022/23. The scheme remains on hold, awaiting the outcome of whether a proposed wider Software Upgrade for Regulatory Services capital scheme bid will be approved as part of setting the Council's future capital programme budget for 2023/24 to 2027/28, by February 2023. The proposed wider scheme includes a combined software system for several Council services, including Planning and Building Control services. If this capital bid is approved then there will be no requirement to complete the planning system upgrade scheme.

In the meantime, the software supporting the current planning system is currently out of date and an update will be required in the near future. The nature of the update required will determine whether the spend is funded from revenue or from this capital scheme budget.

**June 2022:** There has been no spend on the scheme to date in 2022/23. The scheme remains on hold, awaiting the outcome of whether a proposed wider Software Upgrade for Regulatory Services capital scheme bid will be approved as part of updating the Council's future capital programme. The proposed wider scheme includes a combined software system for several Council services, including Planning and Building Control services. If this capital bid is approved then there will be no requirement to complete the planning system upgrade scheme. The timings for the next capital programme update are to be confirmed in the near future.

In the meantime, the software supporting the current planning system is currently out of date and an update will be required in the near future. The nature of the update required will determine whether the spend is funded from revenue or from this capital scheme budget.

**November 2021:** There will be no spend on the scheme in 2021/22 because it has previously been put on hold. At this stage, it is proposed the scheme budget is moved forward to 2022/23 and the 2021/22 revised estimate budget is reduced to nil. A wider Software Upgrade for Regulatory Services capital bid has been proposed to Budget Working Group as part of the 2022/23 to 2026/27 capital programme budget process. This includes a combined software

**Planning and Development Committee – Capital Programme 2022/23**

system for several Council services, including Planning and Building Control services. If this capital bid is approved then there will be no requirement to complete the planning system upgrade scheme.

The 2022/23 to 2026/27 capital programme budget is approved by Full Council in March 2022 and we will report any impact on the planning system upgrade scheme to this Committee at that point.

**August 2021:** The planning portal link has been installed and configured previously. Further work is being undertaken to facilitate integration into the Development Management service.

The planning system update element of the scheme was previously put on-hold awaiting the outcome of the planned wider process review in the Planning section. That planned wider process review has still not taken place because of the on-going impact of the Covid-19 pandemic, but work has begun to consider back-office systems integration improvements in some service areas including planning and building control. Given this, the planning system update element of this scheme will not be undertaken in 2021/22.

**July 2021:** The planning portal link has been installed and configured previously. Further work is being undertaken to facilitate integration into the Development Management service.

The planning system update element of the scheme was previously put on-hold awaiting the outcome of the planned wider process review in the Planning section. That planned wider process review has still not taken place because of the on-going impact of the Covid-19 pandemic. Also, CMT are looking to consider back-office systems integration improvements in some service areas including planning and building control. Given this, the planning system update element of this scheme will not be undertaken in 2021/22.

**November 2020:** The planning portal link has been installed and configured previously. The planning system update element of the scheme was previously put on-hold awaiting the outcome of the planned wider process review in the Planning section. That planned wider process review has not taken place yet because of Covid-19 issues since Spring 2020. It is hoped that the wider process review can commence in 2021, Covid-19 permitting. Given this, the planning system update element of this scheme will not be undertaken in 2020/21. It is recommended that the 2020/21 revised estimate for the scheme is reduced to nil and the £26,420 scheme budget is moved to the 2021/22 financial year.

**August 2020:** The planning portal link has been installed and configured previously. The planning system update element of the scheme was previously put on-hold awaiting the outcome of the planned wider process review in the Planning section. That planned wider process review has not taken place yet because of Covid-19 issues since Spring 2020.

It is hoped that the wider process review can commence in early 2021, Covid-19 permitting. Given this, the planning system update element of this scheme will not be undertaken in 2020/21 and approval will be sought from members to move the remaining scheme budget into 2021/22 when the revised estimate capital programme is presented for approval in January 2021.

**November 2019:** This scheme is on hold awaiting the outcome of the wider process review in the Planning section. The current elements included in this capital scheme need to be compatible with the functionality of the Planning system going forwards and may change as a result of the wider process review. As a result, this scheme will not be completed in-year. It is recommended that the £26,420 budget for this scheme is moved to the 2020/21 financial year and the 2019/20 revised estimate is nil.

**September 2019:** This scheme is on hold awaiting the outcome of the wider process review in the Planning section. The current elements included in this capital scheme need to be compatible with the functionality of the Planning system going forward and may change as a result of the wider process review. As a result, it is unlikely that this scheme will be completed in-year.

**Planning and Development Committee – Capital Programme 2022/23**

**July 2019:** The computerised system currently used within both the Planning and Building Control services is overdue to be upgraded and the upgrade is needed to facilitate the introduction of the Planning Portal. However, a review of how the upgraded software can be used to improve the efficiency and effectiveness of the service is currently underway. The proposed changes to the processes within the service and associated software costs will be reported to CMT by January 2020 and then to a future meeting of this Committee. The current elements included in this capital scheme need to be compatible with the functionality of the Planning system going forwards and may change as a result of the wider process review. Given that, this scheme is now on-hold awaiting the outcome of the review.

**March 2019:** There has been 2018/19 spend on IT consultant input to complete the Planning Portal Update, prior to installing the Planning Portal Link, and to begin the M3 to Engage migration. Protracted communication with the service provider has led to delay in implementation of an update in the current system which has resulted in a lack of progress.

**November 2018:** The Head of Planning Services and ICT Manager have agreed to implement the Planning Portal integration into the current version of the system as soon as possible and to then look at migrating the whole system to Assure and completing the planning system update. Some expenditure is expected prior to the end of the financial year, but the scheme will not be completed within the 2018/19 financial year.

**September 2018:** The Director of Economic Development and Planning, Head of Planning Services and ICT Manager are to meet with the software supplier on 1 November to investigate the functionality that the M3 / Assure system will provide going forward. Based on the outcome of that meeting a decision will be made on how this scheme will be progressed.

**July/August 2018:** The Local Land Property Gazetteer and Planning integration has now been completed, so the Council's ICT team are in discussions with the software supplier on the approach, timings and revised costings for the Planning Portal Link and Planning System Update work. In addition, the scheme approach will be reviewed by the new Director, together with the Head of Planning and the ICT Manager.

**March 2018:** Officers are waiting to complete the implementation of the Local Land Property Gazetteer and Planning integration, which is expected to be completed by May 2018, before commencing work on the Planning Portal and Planning System upgrade. The Planning Portal link will be implemented first followed by the Planning / Building Control System upgrade, which are expected to be completed in the financial year 2018/19.

**November 2017:** The latest position on scheme progress is as follows:

- Full Planning Portal integration is waiting for the integration of the current Planning system and National Land and Property Gazetteer. This integration is in progress and is now at testing stage. Once testing is completed, Planning Portal integration will begin.
- Given that the software supplier has confirmed it will be twelve months before the whole M3 planning system will be migrated over to Assure, ICT and the Head of Planning have agreed to proceed with partial migration and upgrade to Assure once the Planning Portal integration work has been completed. This will allow the Planning department to take advantage of some of the new functionality offered from partial migration.
- We are awaiting the software supplier to confirm the server hardware and software requirements for the updated system. After that, ICT will then provide the additional server space on the new infrastructure, which will provide more resilience to the system and tie in with the Council's current backup and recovery strategy.

**Planning and Development Committee – Capital Programme 2022/23**

**September 2017:** The progress of the scheme has been reviewed by the Head of Planning Services and ICT, including an update from the software supplier:

- Full planning portal integration is waiting for ICT and the software supplier to finish implementation of integration of the current Planning system and National Land and Property Gazetteer.
- We are waiting for the software supplier to confirm the server hardware and software requirements for the updated system. After that, ICT will then provide the additional server space on the new infrastructure which will provide more resilience to the system and tie in with the Council's current back up and recovery strategy.
- The software supplier has said it will be 12 months before the whole M3 planning system will be migrated over to Assure. Some partial migration could take place in the interim to take advantage of some of the new functionality offered. The Head of Planning Services and ICT will consider whether we opt for partial integration in the interim or wait for the software supplier to complete the whole migration of their software to the new platform.

Given this, the scheme will not be able to be fully implemented within this financial year.

**July 2017:** A quote has been received for the planning portal integration software installation element of the scheme and this installation will be planned in shortly. In addition, the corporate ICT infrastructure refresh scheme is now complete, so IT can consider whether the additional server space element of the scheme is still required. However, the planning system software provider has not yet completed writing the scripts for the planning system update from the Engage system to the Assure system. This means that no progress can be made at this stage on the M3 to Engage migration, fast scanner, EDRM document management upgrade and Public Access module elements of the scheme.

**March 2017:** The planning system software provider has not yet completed writing the scripts for the planning system update from the Engage system to Assure system, so this element of the scheme cannot be completed yet. In addition, the Council is currently installing new and increased server capacity as part of a corporate ICT infrastructure refresh scheme, which may or may not negate the purchase of additional server space planned for this scheme. Officers have therefore decided not to implement all elements of this scheme until the ICT infrastructure refresh scheme is completed and the software provider has written the planning system update scripts.

**November 2016:** No spend on the scheme. Officers are still waiting confirmation from the software supplier of when the initial on-site assessment for the scheme will be carried out. A scheme implementation timeline will be agreed following this assessment. At this stage, the aim is still to complete the scheme by the end of the financial year, but this is dependent on the availability of software supplier consultant input.

**September 2016:** Awaiting confirmation from the software supplier of when the initial on-site assessment for the scheme will be carried out. A scheme implementation timeline will be agreed following this assessment. At this stage, the aim is to complete the scheme by the end of the financial year, but this is dependent on the availability of software supplier consultant input.

**August 2016:** The scheme implementation and procurement plan is to be worked up between Planning and ICT. At this stage, the aim is to complete the scheme by the end of the financial year.

This page is intentionally left blank

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: 20 OCTOBER 2022  
 title: REVENUE MONITORING 2022/23  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: VALERIE TAYLOR

### 1 PURPOSE

1.1 To let you know the position for the period April 2022 to September 2022 of this year's original revenue budget as far as this committee is concerned.

1.2 Relevance to the Council's ambitions and priorities:

Community Objectives – none identified

Corporate Priorities - to continue to be a well managed Council providing efficient services based on identified customer need. To meet the objective within this priority, of maintaining critical financial management controls, ensuring the authority provides council tax payers with value for money.

Other Considerations – none identified.

### 2 FINANCIAL INFORMATION

2.1 Shown below, by cost centre, is a comparison between actual expenditure and the original estimate for the period to the end of September. You will see an overall overspend of £85,405 on the net cost of services. Please note that underspends are denoted by figures with a minus symbol. After allowing for transfers to/from earmarked reserves there is an overspend of £121,279.

Cost Centre	Cost Centre Name	Net Budget for the Full Year	Net Budget to the end of period	Actual including Commitments to the end of the period	Variance	
AONBS	Area of Outstanding Natural Beauty	17,130	0	0	0	G
BCFEE	Building Control Fee Earning	23,610	-90,412	-122,684	-32,272	R
BCNON	Building Control Non Fee Earning	78,540	1,290	1,764	474	G
CONSV	Conservation Areas	9,420	0	0	0	G
COUNT	Countryside Management	56,980	14,567	23,435	8,868	R
ECPLA	Economic Development and Planning Dept	2,380	536,520	511,808	-24,712	R
LPLAN	Local Plan	188,930	38,416	34,814	-3,602	A
PLANG	Planning Control & Enforcement	98,260	-331,208	-192,968	138,240	R
PLANP	Planning Policy	111,260	1,406	87	-1,319	G

Cost Centre	Cost Centre Name	Net Budget for the Full Year	Net Budget to the end of period	Actual including Commitments to the end of the period	Variance	
PLSUB	Grants & Subscriptions - Planning	11,110	11,110	10,837	-273	G
	<b>Sum</b>	<b>597,620</b>	<b>181,689</b>	<b>267,094</b>	<b>85,405</b>	

Transfers to/from Earmarked Reserves					
Building Control Fee Earning Reserve		-23,610	90,412	122,684	<b>32,272</b>
Local Plan Reserve		0	0	3,602	<b>3,602</b>
<b>Total after Transfers to/from Earmarked Reserves</b>		<b>574,010</b>	<b>272,101</b>	<b>393,380</b>	<b>121,279</b>

- 2.2 The variations between budget and actuals have been split into groups of red, amber and green variance. The red variances highlight specific areas of high concern, for which budget holders are required to have an action plan. Amber variances are potential areas of high concern and green variances are areas, which currently do not present any significant concern.

Key to Variance shading	
Variance of more than £5,000 (Red)	<b>R</b>
Variance between £2,000 and £4,999 (Amber)	<b>A</b>
Variance less than £2,000 (Green)	<b>G</b>

- 2.3 We have then extracted the main variations for the items included in the red shaded cost centres and shown them with the budget holder's comments and agreed action plans, in Annex 1.
- 2.4 The main variations for items included in the amber shaded cost centres are shown with budget holders' comments at Annex 2.
- 2.5 In summary the main areas of variances that are **unlikely** to rectify themselves by the end of the financial year are shown below:

Description	Variance to end September 2022 £
<p align="center"><b>Economic Development &amp; Planning Department (ECPLA) – Salaries</b></p> <p>Council staffing budgets at original estimate assume average vacancy underspends of 4% across the authority on estimated costs and a pay award of 2%.</p> <p>Actual underspends within the department through the April to September period are -£38k above the estimate. The variance is partly due to the late implementation of the pay award which is yet to be formally notified, and partly due to a number of vacancies across the department.</p> <p>These underspends have been partially offset by an establishment restructure that has moved a position into this department from the Community Services Department, leaving a final net variance of £22k.</p>	-22,523

3 CONCLUSION

3.1 The comparison between actual and budgeted expenditure shows an overspend of £85,405 to September 2022 of the financial year 2022/23. After allowing for transfers to/from earmarked reserves there is an overspend of £121,279.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PD7-22/LO/AC  
October 2022

## Planning and Development Committee Budget Monitoring – Red Variances

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance	Reason for Variance	Action Plan as agreed between the Budget Holder and Accountant
BCFEE/8405n	Building Control Fee Earning/ Building Regulation Fees	-183,040	-98,382	-122,827	-24,445	Higher income from building control services is continuing to be driven by alterations and extensions to domestic properties. Built up demand due to covid is still fuelling the market and also major investment from people outside the Borough buying housing stock in the valley and spending large sums on remodelling their properties. RVBC building control retains a healthy share of the market due to preference of local builders in the council carrying out building control services rather than private inspectors.	The budget estimate will be updated at revised estimate.
ECPLA/0100	Economic Development and Planning Dept/ Salaries	782,610	391,460	368,937	-22,523	Salary costs through the April to September period are lower than the budget estimate by £38k. These underspends have been partially offset by an establishment restructure that has moved a position into this department from the Community Service department, leaving the net variance shown.  Underspends are partly due to the outstanding pay award for the year which is yet to be agreed, and partly due to a number of vacancies throughout the period.	Recruitment is ongoing for vacant posts and budgets will be updated at revised estimate.

## Planning and Development Committee Budget Monitoring – Red Variances

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance	Reason for Variance	Action Plan as agreed between the Budget Holder and Accountant
ECPLA/1020	Economic Development and Planning Dept/ Advertising	910	456	6,867	6,411	Recruitment costs to advertise for the vacant post of Head of Development Management and Building Control. The overspend has been met from salary budget underspends (ECPLA/0100).	The budget will be updated at revised estimate.
COUNT/2409	Countryside Management/ Non Recurring Maintenance Items	0	0	8,000	8,000	Orders have been placed for footpath improvement and tree works to be undertaken at Whalley Community Woodland. The cost of the works is to be met from S106 monies.	Budgets will be established at revised estimate for both the cost of the works and the release of S106 income.
PLANG/8495n	Planning Control & Enforcement/ Pre-Application Advice	-57,940	-28,982	-16,316	12,666	Due to vacancies within the planning section the fast-track pre-application advice service has been suspended and the standard service is unable to guarantee specific timescales for advice. Whilst resources are being redirected towards the provision of mandatory services the income budgeted for under this budget heading is unlikely to be achieved.	It is expected that the full service will resume in due course, but the timing for this is uncertain as it is dependent upon recruitment and training timescales within the planning section.

Planning and Development Committee Budget Monitoring – Red Variances

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance	Reason for Variance	Action Plan as agreed between the Budget Holder and Accountant
PLANG/8404u	Planning Control & Enforcement/ Planning Fees	-678,920	-339,594	-216,747	122,847	Planning income levels fluctuate month to month and vary greatly depending on whether applications are received in respect of major developments. While it is still too early in the financial year to estimate if outturn will be lower than the estimate overall, it is possible that the rising cost of living crisis will result in a reduction to the number of planning applications received as we move through the financial year.	We will continue to monitor the level of planning fee income received, and will review the budget level to best reflect the latest forecasts at the time of the Revised Estimate.

### Planning and Development Committee Budget Monitoring – Amber Variances

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance	Reason for Variance
ECPLA/3013	Economic Development and Planning Dept/Subscriptions	4,800	4,800	0	-4,800	This budget is available for an online subscription to a planning resource. As a value for money exercise has identified that the resource is not being utilised the annual renewal has not been taken forward.
BCFEE/8401z	Building Control Fee Earning/Building Reg Fees Non vatable	-2,070	-936	-5,640	-4,704	Higher than average building regulation fee income for the period to September (for retrospective approval of work). The budget will be updated to reflect the current position at revised estimate.
COUNT/4678	Countryside Management/Grants to Voluntary, Comm & Soc Ent Orgs	13,840	9,440	5,000	-4,440	The cost of grants awarded for countryside management grant assistance are lower than that allowed for in the budget. There is no formal countryside management grant scheme in place, with any requests for support being considered by committee this on an ad-hoc basis.
ECPLA/0108	Economic Development and Planning Dept/National Insurance Salaries	82,510	41,272	37,321	-3,951	Lower superannuation and national insurance costs due to salary underspends as set out at ECPLA/0100
ECPLA/0109	Economic Development and Planning Dept/Superannuation Salaries	131,980	66,018	63,407	-2,611	
PLANG/3103	Planning Control & Enforcement/Agricultural Consultants	3,390	1,696	4,077	2,381	Higher number of planning applications for which agricultural consultancy advice was required than estimated. The budget will be reviewed at revised estimate.

## Planning and Development Committee Budget Monitoring – Amber Variances

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance	Reason for Variance
PLANG/3085	Planning Control & Enforcement/Consultants	9,740	7,033	10,060	3,027	Higher expenditure on consultancy/ legal fees than the budget estimate that is mainly due to expenditure on a planning enforcement matter.
ECPLA/1013	Economic Development and Planning Dept/Tuition Fees	4,650	4,650	6,725	2,075	Overspend due to expenditure on professional qualification training. The budget has underspent in recent years due to the limited training options that were available during the pandemic and also as professional training is funded via the apprenticeship levy where possible. The budget will be updated at revised estimate.
COUNT/2880	Countryside Management/Tree Management Works	9,430	4,716	9,683	4,967	<p>Tree risk assessments have been carried out in order to identify trees falling into the unacceptable risk category and therefore requiring emergency works to ensure that the council complies with HSE Trees in the Public Domain Guidance on Trees and Public Safety.</p> <p>A recent increase in the frequency of storms has highlighted the need to ensure that risk surveys are up to date and have therefore been carried out at several locations within the Ribble Valley. It is possible that further tree risk assessments will be required this year. Approval for works and additional budget will be secured in advance of purchase orders being placed in accordance with the council's financial regulations.</p>

## APPEALS UPDATE 2022

Application No and reason for appeal	Date Received/App eal Start Date	Site Address	Type of Appeal Procedure	Costs application received	Date of Inquiry or Hearing if applicable	Progress
3/2021/0208 R	15/09/2021	4 King Henry Mews, Bolton by Bowland BB7 4HR	HH			Awaiting Decision
3/2019/0877 Redetermination	12/06/2020	Land at Junction of Chatburn Road and Pimlico Link Road, Clitheroe BB7 2EQ	WR			Appeal Dismissed 24/08/2022
3/2021/0989 R	09/03/2022	Cliveden, Sandy Bank, Chipping PR3 2GA	HH			Appeal Allowed 16/08/2022
3/2021/1028 R	22/06/2022	11 Railway View Road, Clitheroe BB7 2HE	WR			Awaiting Decision
3/2021/0648 R	07/06/2022	Land at Scridbles Croft, Smalden Lane, Grindleton BB7 4RX	WR			Awaiting Decision
3/2021/1040 R	16/08/2022	Beacon Holme, Whalley Road, Simonstone BB12 7HT	WR			Awaiting Decision
3/2021/0768 R	30/06/2022	21 Church Street, Ribchester PR3 3XP	WR			Awaiting Decision
Enforcement Appeal	06/04/2022	Punch Bowl Inn, Hurst Green BB7 9QW	Hearing		16/11/2022	Awaiting Hearing
3/2021/0979 R	26/05/2022	The Newdrop, Stoneygate Lane, Ribchester PR3 2XE	WR			Awaiting Decision
3/2021/1020 R	07/06/2022	Eaves Hall, Eaves Hall Lane, West Bradford BB7 3JG	WR			Appeal Dismissed 20/09/2022
3/2021/0720 R	15/09/2022	Twyn Ghyll Caravan Site, Settle Lane, Paythorne BB7 4JD	WR			Statement due 20/10/2022
3/2021/1155 R	12/07/2022	Pendle View, Lovely Hall Lane, Copster Green BB1 9EQ	WR			Awaiting Decision
3/2020/0960 R	Awaiting start date from PINS	Royal British Legion, Towneley Road, Longridge PR3 3EA	WR (to be confirmed by PINS)			
3/2021/0944 R	31/05/2022	145 Whalley Road, Wilpshire BB1 9NE	HH			Awaiting Decision
3/2022/0387 R	19/07/2022	Garth Cottage, Clitheroe Road, Mitton BB7 9PH	WR			Awaiting Decision

3/2022/0031 R	22/06/2022	Tanner House Farm, Higher Ramsgreave Road, Ramsgreave BB1 9DJ	HH			Appeal Dismissed 09/09/2022
3/2021/1118 R	09/08/2022	Land to the rear of the former Punch Bowl Inn, Longridge Road, Hurst Green BB7 9QW	WR			Awaiting Decision
3/2021/1222 R	08/09/2022	Myrvel House, Howgill Lane, Rimington BB7 4EF	WR			Statement due 13/10/2022
3/2022/0506 R	10/08/2022	5 Hawthorn Close, Langho, BB6 8DZ	WR			Awaiting Decision
3/2021/1246 R	03/10/2022	Daniels Farm, Preston Road, Longridge PR3 3BL	WR			Statement due 07/11/2022
3/2022/0144 R	30/09/2022	Pimlico House, Gisburn Road, Gisburn BB7 4ES	WR			Statement due 04/11/2022
3/2022/0436 R	Awaiting start date from PINS	Land adj Miles Hill, Moor Lane, Billington BB7 9JH	WR (to be confirmed by PINS)			
3/2022/0086 R	Awaiting start date from PINS	Land off Church Lane, Great Mitton, BB7 9PL	WR (to be confirmed by PINS)			
3/2022/0161 R	Awaiting start date from PINS	Pendle View Fisheries A59, Barrow BB7 9DH	WR (to be confirmed by PINS)			
3/2022/0384 R	Awaiting start date from PINS	11 Jeffrey Avenue, Longridge PR3 3TH	HH (to be confirmed by PINS)			Turned away by PINS- deadline for appeal had expired
3/2022/0142 R	Awaiting start date from PINS	Abbotts Quarry Abbott Brow Mellor BB2 7HU	WR (to be confirmed by PINS)			
3/2022/0543 R	29/09/2022	21 Whalley Road Wilpshire BB1 9LQ	HH			Awaiting Decision
3/2022/0044 R	05/10/2022	The Barn by the River, Kenyon Lane, Dinckley BB6 8AN	HH			Awaiting Decision
3/2021/1104 R	Awaiting start date from PINS	Bradleys Farm, Four Acre Lane, Thornley PR3 2TD	WR (to be confirmed by PINS)			
3/2022/0012 R	Awaiting start date from PINS	Cuckoo Hall, Higher Road, Longridge PR3 2YX	WR (to be confirmed by PINS)			



---

# Appeal Decision

Site visit made on 1 August 2022

**by Hannah Ellison BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 September 2022**

---

**Appeal Ref: APP/T2350/W/22/3296857**

**The Newdrop, Stoneygate Lane, Ribchester PR3 2XE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ben Lee, NGJ Holdings Ltd, against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/0979, dated 24 September 2021, was refused by notice dated 20 December 2021.
  - The development proposed is an extension to residential dwelling (Unit 5) and the erection of a garage and car port in relation to planning application Ref: 3/2020/0215.
- 

## Decision

1. The appeal is allowed and planning permission is granted for an extension to residential dwelling (Unit 5), the erection of a garage and car port, demolition of storage building and amended access drive and hardstanding in relation to planning application Ref 3/2020/0215) at The Newdrop, Stoneygate Lane, Ribchester PR3 2XE in accordance with the terms of the application, Ref 3/2021/0979, dated 24 September 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Plan Location Plan 3282-3-010, Proposed Site Plan 3282-3-030, Proposed Plans and Section 3282-3-060, Proposed Elevations 3282-3-070, Proposed Elevations & Sections 3282-3-080 and Stone Store building to be Demolished 3282-3-090.
  - 3) The hardstanding shown on Proposed Site Plan 3282-3-030 shall be laid out prior to first occupation of the development hereby permitted and shall be retained thereafter as such.

## Preliminary Matter

2. The proposed plans which were considered during the planning application stage and submitted with this appeal included elements of demolition and alterations to the access drive and areas of hardstanding within the red line boundary of the site. However, these elements were not included within the description of development included in the planning application form, decision notice or appeal form.
3. Both main parties were therefore provided with an opportunity to comment on an amended description of development. Both agreed that the proposal should be described as 'An extension to residential dwelling (Unit 5), the erection of a

garage and car port, demolition of storage building and amended access drive and hardstanding in relation to planning application Ref 3/2020/0215)'. This description is therefore reflected in the formal decision above and I consider that no parties have been prejudiced by this.

### **Main Issue**

4. The effect of the proposal on the character and appearance of the host building and the wider area, including the Forest of Bowland Area of Outstanding Natural Beauty.

### **Reasons**

5. The appeal site occupies an elevated position and is surrounded by vast expanses of rolling, largely undeveloped countryside. It is located within the Forest of Bowland Area of Outstanding Natural Beauty (the AONB). The statutory purpose of AONBs is to conserve and enhance the natural beauty of the area. The National Planning Policy Framework (the Framework) advises that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
6. The proposed side extension would be of a narrower width to and have a lower ridge height than the appeal property. The proposed detached car port and garage would appear as a lightweight structure due to its partially open side and timber design. These features, along with the degree of separation between both elements, would ensure the proposal reads as a subservient addition that would be proportionate to the existing built form.
7. The proposal would elongate the existing built form into the site at a right angle to the former public house, which is predominantly arranged in a linear layout along the roadside. Despite this, the projection would be by a limited amount and it would not extend into undeveloped countryside, but rather this layout would largely reflect and be in keeping with the existing built form of the wider development. The proposal would therefore be read in context with the existing cluster of built form thus, despite its elevated positioning within the landscape, it would not be an intrusive feature when seen from any wider, long ranging views across the open countryside.
8. The existing brick storage building does not contribute significantly to the form and character of the existing buildings thus its loss would not result in harm. The increased area of hardstanding is a negligible difference to the previously approved layout and, although the access drive would take a curvilinear route, a generous area for landscaping within the site and around its boundaries would nevertheless remain.
9. Accordingly, the proposal would not result in harm to the character and appearance of the building and the area, and it would conserve the natural beauty of the AONB. Therefore, the proposal would accord with Policies DMG1 and DMG2 and Key Statement EN2 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley (December 2014) whose collective aim is to ensure that developments are sympathetic to the building and protect the character and special qualities of the wider environment, including the natural beauty of the AONB.

## **Conditions**

10. I have considered the conditions suggested by the Council and as set out in the highway consultee response during the planning application stage. The appellant has raised no substantive objections to them. Having regard to the tests in the Framework and the advice in the Planning Practice Guidance, where appropriate I have carried out some minor editing to the suggested conditions which has not affected their controlling elements.
11. Conditions specifying the time limit and the approved plans are necessary in the interests of certainty. The approved plans indicate that the external materials to the extension would be to match existing and the garage shall be finished in feather edged boards and slate. The access drive and parking area is noted to be permeable resin gravel. These details are sufficient therefore I have not attached a condition requiring the submission of further details relating to materials as it would be unnecessary.
12. Given the increase in bedrooms which this proposal would create, a condition relating to the provision and retention of the hardstanding areas is necessary in the interests of ensuring the proposal does not have a harmful effect on highway safety.

## **Conclusion**

13. For the reasons given above, the proposal accords with the development plan as a whole and thus the appeal should be allowed.

*H Ellison*  
INSPECTOR

This page is intentionally left blank



## Appeal Decision

Site visit made on 22 August 2022

by **C Megginson BA(hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 20th September 2022**

---

**Appeal Ref: APP/T2350/W/22/3296866**

**Eaves Hall, Eaves Hall Lane, West Bradford BB7 3JG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr James Warburton against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/1020, dated 28 September 2021, was refused by notice dated 6 December 2021.
  - The application sought planning permission for the construction of 15 eco-lodges and infrastructure to provide additional accommodation to Eaves Hall without complying with a condition attached to planning permission Ref 3/2020/0544, dated 25 November 2020.
  - The condition in dispute is No2 which states that: Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawing ref:  
Location Plan  
Existing Site Plan 1813/EX01 rev A  
Proposed Site Plan 1813/PL01 rev B (received 28.09.2020)  
Proposed Eco Lodge 1 Bed 1813/PL02 rev A  
Proposed Eco Lodge 2 Bed 1813/PL03 rev A  
Details 1813/PL04 rev B (received 24.09.2020).
  - The reason given for the condition is: For the avoidance of doubt since the proposal was the subject of the agreed design improvements/amendments and to clarify which plans are relevant to the consent.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application also included the discharge of conditions 3,4,5,12,14,15,16,19 and 22. I have no further evidence on these conditions; therefore, I have focused my decision on the disputed condition which the appellant seeks to vary.
3. At the time of my site visit there were four lodges on site, all of the revised design and some of the groundworks had commenced.

### Background and Main Issues

4. The appellant wishes to vary condition 2 to reflect an updated layout and change of lodge type. The main issue is the effect that varying the condition would have on the character and appearance of the area, including the setting of a Listed Building.

## Reasons

5. The proposed lodges would sit within a large field to the rear of the Grade II listed Eaves Hall, within the Forest of Bowland AONB. The Hall is constructed of red brick and Portland stone, with a slate roof, in a free Renaissance style which includes many ornate windows, some of which feature arches and are important to its special interest and significance. The setting of the listed building is heavily influenced by its gardens and walkways, which extend from the front and west side of the building, and by the surrounding open countryside.
6. Behind the hall and gardens is the elevated access lane which leads to the tennis court and walled garden, that subsequently leads to the appeal site. Whilst there might be a lack of a visual or functional relationship between the appeal site and the listed building due to the orientation of the hall and the intervening walled garden area, the appeal site, in its current undeveloped form and rural character, makes an important contribution to its rural setting and thus the significance of the listed building.
7. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the LBCA Act) requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
8. Existing and proposed landscaping and the undulating topography would protect views from the surrounding area and contain the development, with the exception of views up into the sloping field from the south. Views are particularly open on the approach from the tennis court and walled garden area. The approved lodges would comprise cylindrical timber framed pods with a lime render or timber clad finish, a sedum roof and a large aluminium window on the short end elevation, orientated to enable views to the southeast, downhill towards the hall.
9. The revised lodges would be oval shaped with a rounded roof and would be fully clad in spruce shingles with grey UPVC windows, doors and flooring. These lodges would be smaller in height and width and feature their arched windows and doors on the long side elevation. The orientation of the lodges is proposed to change to allow these windows to have the same views as the approved lodges, down the hill towards the hall. The result would be that when viewing the lodge development from the south, the full width of each lodge is visible.
10. Whilst I appreciate that the proposed lodges are smaller than those approved and the size of glazing has been reduced, the revised orientation of the lodges would result in a more visually dominating form of development from the open views to the south. In addition, the unusual shape, layered spruce shingles and thick framed windows of the proposed lodges would stand out as incongruous against the stone and rendered walls around the walled garden and tennis court.
11. In view of the above, the development would fail to preserve the setting of the listed building. The harm to the significance of Eaves Hall that would result

from the proposal would be less than substantial. I have attached considerable importance and weight to the desirability of preserving the setting of the listed building. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

12. The benefits of the amended proposals are stated to provide a modestly better standard of accommodation, with the lodges reduced in height and length, using less glazing to reduce potential light pollution and reduce impact on the surrounding landscape. Whilst the volume of glazing would be slightly reduced, I am not convinced that the number and shape of apertures proposed in the amended design would significantly reduce light pollution. The reduction in lodge height and length would bring a very small benefit but this would be outweighed by the reorientation of the lodges.
13. The appellant states that the wider benefits of the amended scheme are that it would provide an accommodation solution to aid the recovery of the business following Covid-19 lockdown and would assist in the long-term investment in the heritage asset of Eaves Hall. It would also increase the tourism offering within the rural area and reduce the need for wedding guests to travel to and from accommodation elsewhere. In addition, it would prevent the need for an extension to the listed building itself, to provide the additional accommodation. Whilst I agree that these benefits will arise from the lodge development, I am not convinced that the proposed amendments would be the only way of securing these benefits.
14. When taken together, the benefits outlined above would not be sufficient to outweigh the harm to the significance of Eaves Hall. For these reasons, I conclude that the amendments proposed would not preserve the setting of Eaves Hall and would result in harm to the significance of the listed building. It would not meet the requirements of Section 66 of the LBCA Act. For the same reasons, the proposal would be contrary to policy DME4 and key statement EN5 of the Ribble Valley Core Strategy (2014) (the Core Strategy), which require development to protect and conserve historic buildings and their settings. It would also conflict with paragraph 200 of the Framework, which states that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification.
15. In addition, the amendments proposed, by virtue of their design, external appearance and orientation would unacceptably harm the character and appearance of the area. This would be contrary to Key Statement EN2, Policies DMG1, DMG2 and DMB3 of the Core Strategy which seek to ensure that new development delivers high quality design that respects and enhances local distinctiveness. The proposal would also be contrary to the National Planning Policy Framework, which states in paragraph 130 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.

## **Conclusion**

16. For the reasons given above I conclude that the appeal should be dismissed.

*C Megginson*

INSPECTOR

This page is intentionally left blank



---

## Appeal Decision

Site visit made on 14 September 2022

**by E Worthington BA (Hons) MTP MUED MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 October 2022**

---

### **Appeal Ref: APP/T2350/Y/22/3293390**

### **11 Railway View Road, Clitheroe, BB7 2HE**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr A McKeivitt against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/1028, dated 7 October 2021, was refused by notice dated 20 December 2021.
  - The works proposed are described as 'Replacement Windows with new single glazed sliding sash, External Re-Decoration including removal of modern paints from render & stonework, reinstatement of timber canopy and Internal alterations associated with thermal upgrades, new bathroom and kitchen re-configuration'.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. Since the proposed works are in a conservation area and relate to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

### **Main Issues**

3. The main issues are whether the proposed works would preserve a grade II listed building, 11 and 13 Railway View Road, Clitheroe, BB7 2HE (Ref: 1164238) and any of the features of special architectural or historic interest that it possesses; and whether they would preserve or enhance the character or appearance the Clitheroe Conservation Area.

### **Reasons**

#### *The listed building and the conservation area*

4. The appeal property is a pair of early-mid 19<sup>th</sup> century two storey rendered cottages with slate roofs. No 11 is at the end of the terrace and is one bay wide and two rooms deep. No 13 wraps around the rear of No 11 and appears to take in part of what would historically have been part of No 11. Thus the depth of No 11 extends to three quarters of the width of the northern gable end, with the final quarter being occupied by No 13.
5. No 11 has altered over time both in relation to its floorplan as described above, and in terms of other works that have been undertaken including the insertion of top hung casement windows to the front elevation and a bow window to the

- flank elevation as well as the loss of its timber door canopy. It has been unoccupied for some 20 years and is in a state of disrepair.
6. Despite these factors, the appeal property and its neighbour at No 13 retain a modest functional built form and layout, incorporating uncomplicated detailing and traditional materials. The building's historic proportions, layout, form and fabric have for the most part been retained. As a consequence, its historic form is clearly legible and the building maintains its simple traditional character and understated charm.
  7. Whilst the listing description is limited to the building's external features, I am mindful that architectural interest can include the quality, nature and significance of design as well as other aspects such as plan form, layout and the use of traditional materials.
  8. From the listing description and the evidence before me, insofar as it relates to this appeal, I therefore find that the special interest of the listed building is drawn from its historic age, simple functional form, modest proportions and layout, as well as its historic fabric. All these elements attest to its historic function as dwelling house and are important overall to the special interest of the building in terms of this appeal.
  9. The appeal building is within the Clitheroe Conservation Area which covers much of the central historic core of the town. The Conservation Area Appraisal recognises that the settlement is a small rural market town with a notable 12<sup>th</sup> century castle and an attractive collection of 18<sup>th</sup> and 19<sup>th</sup> century buildings. The appeal building is in Character Area 2 west of the town's central spine which comprises a compact area of 19<sup>th</sup> century two storey artisan terraced houses. These are surviving examples of the small scale vernacular terraced housing typical of the historic town where such modest functional homes were provided to meet increased population in the 19<sup>th</sup> century.
  10. I consider that the significance of the conservation area, in so far as it relates to this appeal, is mainly derived from the quality of its historic buildings, the long established historic townscape and the use of traditional materials.
  11. The appeal building is located on the end of a short row of residential buildings, and is prominently sited at the back edge of the pavement on a busy road. It is close to the railway station and there is a bus stop/layby opposite as well as a garage/depot to the south. Whilst I note that the appellant's view that the general condition of the property means that the building has a harmful effect on the conservation area, it is not identified as making either a positive or a negative contribution in the Clitheroe Conservation Area Townscape Appraisal Map.
  12. Notwithstanding its surroundings, and even given its condition and the alterations that have taken place, as a long established traditional vernacular component of the street scene in Railway View Road, in my view the appeal building contributes in a generally benign way to the historic character and appearance of the conservation area and its significance as a heritage asset in relation to this appeal.

*The effect of the proposed works*

13. The proposed works include a number of elements to which the Council raises no objections. These include: the replacement of the failing top hung

casement windows to the front elevation with single glazed painted timber sliding sash windows; the replacement of the ground floor flank bow window with two single glazed painted timber sliding sash windows and central mullion; an internal partition in the kitchen to house a boiler and form a store; the reinstatement of the timber door canopy with a replica; the renovation of the original front door; the cleaning and re-painting of the render and stone quoins; and a new cast iron down pipe and hopper. I see no reason to come to a different view to the Council on these elements of the proposed works.

14. However, the Council is concerned about a number of other aspects of the proposed works. These include the insertion of a partition to the first floor bathroom to form a study and smaller bathroom. This would be made of timber boarding with an integral pocket sliding door. Its simple design and use of materials is intended to deliberately contrast with the historic nature of the building, and to ensure it is read as a later addition.
15. As described above, the unusual relationship between No 11 and No 13 suggests that No 11's floorplan has altered over time and that No 11 may historically have been larger. Alterations to the upper floorboards indicates that the staircase may have been repositioned at some point. The appellant submits that an internal bathroom would not have been part of the building's original construction and suggests that it was installed when part of No 11 was absorbed by No 13. Reference is also made to the installation of an entrance lobby to the ground floor in the late 20<sup>th</sup> century. Notwithstanding these factors, and the adaptation of the building over time, I have seen nothing to demonstrate that even prior to being partially given over to No 13, No 11 would ever have been more than two rooms deep or one room wide.
16. The building's internal arrangement and two cell layout is intrinsic to its character as a simple two up, two down home. Whilst the existing bathroom has a timber beam at ceiling level, there is no substantiated evidence to suggest that it has been previously subdivided. Although the room is already partially divided by an existing cylinder cupboard, this does not fully bisect the space or partition the room to any great extent and does not serve to disrupt the existing two cell layout.
17. Whilst by their nature the works would be reversible, the proposed partition would nevertheless alter the building's historic plan form by subdividing the bathroom into two clearly separate and smaller rooms. As a result the building's noteworthy and basic two cell room arrangement would be lost at first floor level and its uncomplicated characteristic historic layout would be undermined.
18. The appellant refers to the proposed subdivision of the kitchen space at ground floor level to which the Council raises no objections. However, those works relate to the creation of storage space rather than a separate room, and that part of the room affected would be more modest. As such, I do not regard this matter to justify the proposed upper floor partition.
19. Thus I find that the insertion of the partition as proposed would erode the character of the building and diminish its historic interest thereby impairing its historic legibility. That the existing bathroom is disproportionately large and the new bathroom would be commensurate with the size and scale of the property does not alter my view.

20. The Council also objects to the proposed replacement of the existing timber sliding sash first floor flank bathroom window with a single clear glazed timber sliding sash window. This would have a weather sealed frame and toughened glass. The appellant's heritage statement indicates that the existing window appears to be original, whilst the Council considers it to be an early to mid 20<sup>th</sup> century addition. In any event, the window is of some age and forms part of the historic fabric of the building.
21. In terms of the rationale for this element of the proposed works, the appellant argues that the existing window has a low sill and that the single glazed obscure plate glass is a hazard to the occupiers. The replacement unit would be in compliance with the Building Regulations and be an improvement in terms of safety and energy efficiency. Notwithstanding my findings above in relation to the proposed partition, I also appreciate that under the wider package of proposed works, the window would serve a newly created study where clear glass would be more appropriate.
22. That said, there is nothing before me to explain why the existing window, which is a traditional and longstanding feature of the building and forms part of its historic fabric, cannot be retained in the first instance. No evidence has been submitted that investigates the condition of the fabric of the existing window, and I have seen nothing to suggest that it is failing or deteriorating. Nor have any repair, restoration or alteration works to the window been considered in the first instance.
23. This being so, even appreciating that the replacement window would be on the building's side elevation in an elevated position and would be of matching proportions and details to the existing window, I cannot be satisfied that its complete replacement is justified. Accordingly I find that this element of the proposed works would result in the unnecessary loss of historic fabric, which would have an adverse effect on the character and significance of the building.
24. Additionally the Council has concerns about the removal of the building's internal plaster and its replacement with insulated lime plaster. I appreciate that the existing plaster is in poor condition. The house has been unoccupied for a long time and suffered from damp and moisture ingress which has resulted in areas of deteriorating plaster particularly to the front elevation.
25. The appellant indicates that all the internal plaster is rotten and will be hacked back to the stone base and replaced with insulated lime plaster. This is described as a lightweight insulating render formulated with insulated cork aggregates, sands and natural hydraulic lime.
26. Whilst much of the plaster in the building is modern, there is no dispute between the parties that some areas of historic lime plaster remain. However, the magnitude of this is unknown. Although some historic lime plaster is evident, for example around the first floor front window, an assessment of the full extent of the survival of historic lime plaster in the building has not been provided. In the absence of any such survey or investigation, I cannot be content that the proposed works to replace all the plaster in the building would result in only a small loss of historic plaster. Since it has not been demonstrated what historic fabric would be lost, it is not possible to determine how the proposed works would alter the historic legibility of the building.

27. I am aware of the appellant's view that the replacement of the front windows and ground floor flank window (to which the Council raises no objections) would in any case require the removal of the plaster to the window reveals. However, in the circumstances described above, this does not justify the specific works to the plaster that are proposed.
28. The Council is also concerned about the insulated nature of the proposed replacement lime plaster. The appellant accepts that a more traditional uninsulated lime plaster could be used, but wants to take the opportunity to thermally improve the dwelling. I understand that the insulated lime plaster proposed uses traditional materials (lime and cork) to maintain a breathable structure ensuring the moisture balance of the building is maintained.
29. However, no further information as to the vapour resistance/permeability/breathability of the proposed plaster has been provided. Nor are there any details regarding its possible impact in conjunction with the retention of the building's less permeable external cement render as proposed. Thus it has not been demonstrated that the material proposed is technically compatible with the building and its particular historic fabric and external finish.
30. In this context, whilst I appreciate that the repair of the plaster is intended to reduce the long term deterioration of the building's historic fabric, I have insufficient information to understand whether the insulated nature of the lime plaster proposed could lead in this instance to the presence of unwanted moisture in the building to the detriment of its historic fabric.
31. For these reasons, I cannot be satisfied overall that the replacement plaster as proposed is justified. Accordingly I find that this element of the proposed works could result in the unnecessary loss of historic fabric, and has not been demonstrated to be an appropriate material/method of repair. As such, this element of the proposed works would have an adverse effect on the character and significance of the building and its interest as a heritage asset.

*Conclusion in relation to the effect of the proposed works*

32. Bringing matters together, for the reasons given above, I find that the proposed works in relation to the bathroom partition, first floor flank window, and replacement plaster would undermine the historic integrity of the appeal building.
33. That said, I accept that there are some elements of the proposed works overall that would improve the heritage asset and contribute to its significance. These include the replacement of the failing and unsympathetic top hung casement windows to the front elevation, the replacement of the ground floor flank bow window with more in-keeping sliding sash windows, the reinstatement of the timber door canopy with a replica, the renovation of the original front door, the cleaning and re-painting of the render and stone quoins, the provision of a new cast iron down pipe and hopper and the retention and refurbishment of the 20<sup>th</sup> century fireplace. These works would improve the architectural and historic significance of the listed building and provide a more harmonious appearance between No 11 with adjoining No 13.
34. However, I confirm that even when taken together these matters are insufficient to outweigh the harm to the significance of the listed building that I have identified in relation to the partition, first floor flank window and plaster.

35. As set out above, I have found that the building also contributes to the historic significance of the conservation area. However, given that the proposed partition and works to the plaster are internal, and that the replacement first floor flank window would be of similar proportions, materials and detailing to the existing window, I am satisfied that the proposed works would not detrimentally affect how the conservation area is experienced. However, the absence of harm in this regard does not alter my findings in relation to the impact of the proposed works on the listed building itself.
36. I therefore conclude on the main issues that whilst the proposed works would preserve or enhance the character or appearance the Clitheroe Conservation Area, they would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the balance of this appeal.

*The heritage balance*

37. The National Planning Policy Framework (the Framework) advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to indicate that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
38. I find the harm to the heritage asset as identified to be less than substantial in this instance, but nevertheless of considerable importance and weight. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
39. The appeal building has been empty for some 20 years and is in a poor state or repair. The appellant advises that the renovation works are needed to secure the building and maintain and protect its historic fabric for the future. It is also argued that the works would allow the building to adapt to the needs of occupiers, and to meet modern living standards and the Building Regulations.
40. That said, I have seen nothing to suggest that the reinstatement of the residential use of the building would not be possible in the absence of the bathroom partition, replacement first floor flank window and removal and replacement of the plaster under the specific terms proposed (rather than under an alternative approach).
41. The improvements to the heritage asset itself are also public benefits of the proposed works. These are set out above and include the replacement of the windows, the reinstatement of the timber door canopy, the renovation of the front door, render and stone quoins, as well as the provision of a cast iron rainwater goods and the refurbishment of the fireplace. These would also provide visual unity with adjoining No 13 and lead to improvements to the character and appearance of the conservation area.
42. Additionally the replacement windows would also give rise to safety, thermal and acoustic enhancements. They would prevent any further water damage and additional deterioration of the condition of the building, secure its future protection and maintenance and provide longevity to the heritage asset.

43. That said, whilst they are public benefits, I am mindful that the beneficial works to the defective windows and other aspects of the building as described above, could be undertaken in the absence of those elements of the works that I have found to be unacceptable (or in the case of the plaster, via an alternative scheme of works).
44. The replacement plaster would provide thermal improvements. Whilst the Council disputes the quantum of this, the appellant's heritage statement refers to a 55% increase in thermal performance (compared to uninsulated lime plaster). This would be a benefit to the future occupier of the building, particularly in the context of an energy crisis and fuel poverty. However, the public benefits that would arise in terms of tackling climate change and carbon reduction would not be great given that the works concern a single modest dwelling.
45. Therefore, even taking all these factors into account and notwithstanding the Clitheroe Civic Society's support for the works, I find that the public benefits arising from the proposed works would not outweigh the harm to the significance of the designated heritage asset I have identified. For these reasons the proposed works would fail to satisfy the requirements of the Act and paragraph 197 of the Framework. The proposed works would also be contrary to Key Statement EN5 of the Ribble Valley Core Strategy (Core Strategy) which seeks to conserve and enhance the significance of heritage assets and to Core Strategy Policy DME4 which aims to protect heritage assets.
46. The appellant argues that the proposed works are in line with the environmental objective of sustainable development as set out at paragraph 8c of the Framework, and also refers to the presumption in favour of sustainable development. However, since the proposed works concern a designated heritage asset and conflict with the development plan, and with footnote 7 of the Framework in mind, I am not persuaded that the presumption in favour of sustainable development applies in this case.

### **Other Matters**

47. I appreciate that the proposed works are a re-submission of a previously refused scheme and were intended to address the concerns raised under that proposal. Nevertheless, the merits of those previously proposed works are not before me. I confirm that I have considered the appeal scheme on its own merits.

### **Overall Conclusion**

48. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

*E Worthington*

INSPECTOR

This page is intentionally left blank