

# Public Document Pack



Ribble Valley  
Borough Council

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT** Committee will be held at **6.30 pm** on **THURSDAY, 1 DECEMBER 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 - 10)
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 11 - 12)

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

- i) Planning Application 3/2022/0637 - Keepers Cottage, (Pages 13 - 26)  
Northcote Road, Old Langho, BB6 8DB
- ii) Planning Application 3/2022/0857 - Croasdale Farm, 1 (Pages 27 - 36)  
Whinney Lane, Langho, BB6 8DQ
- iii) Planning Application 3/2022/0115 - Land East of (Pages 37 - 52)  
Salesbury View, Wilpshire
- iv) Planning Application 3/2022/0781 - Land North of (Pages 53 - 76)  
Ribble Valley Enterprise Business Park, A59, Barrow

6. **RIBCHESTER PLANNING OBLIGATION** (Pages 77 - 78)

Report of Director of Economic Development and Planning enclosed.

**ITEMS FOR INFORMATION**

7. **PLANNING ENFORCEMENT UPDATE** (Pages 79 - 82)

Report of Chief Executive enclosed.

8. **APPEALS (IF ANY)** (Pages 83 - 102)

Appeals update

3/2021/0208 – proposed single storey rear extension at 4 King Henry Mews, Bolton-by-Bowland, BB7 4HR – appeal dismissed

3/2021/0648 – change of use of land to tourism, including siting of a shepherd's hut for use as holiday accommodation with associated outdoor space, car parking and alteration of vehicle access at Land at Scridbles Croft, Smalden Lane, Grindleton, BB7 4RX – appeal allowed.

3/2021/1155 – conversion of 2no.holiday lets into 1no. dwelling house at Pendle View, Lovely Hall Lane, Copster Green, BB1 9EQ – appeal dismissed

3/2022/0506 – regularisation of unauthorised change of use of agricultural land to residential curtilage at 5 Hawthorn Close, Langho, BB6 8DZ – appeal dismissed

3/2022/0387 – regularisation of an unauthorised change of use from one dwelling in to two at Garth Cottage, Clitheroe Road, Mitton, BB7 9PH – appeal dismissed

9. **MINUTES OF WORKING GROUPS**

i) Local Development Plan working group - 10 August 2022 (Pages 103 - 104)

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

None.

11. **EXCLUSION OF PRESS AND PUBLIC**

**ITEMS FOR DECISION**

12. **DEVELOPMENT MANAGEMENT STAFFING** (Pages 105 - 128)

1, 3

Report of Director of Economic Development and Planning enclosed.

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)

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## Minutes of Planning and Development

Meeting Date: Thursday, 20 October 2022, starting at 6.30 pm  
Present: Councillor A Brown (Chair)

Councillors:

|             |            |
|-------------|------------|
| T Austin    | K Fletcher |
| I Brown     | M French   |
| S Brunskill | B Holden   |
| B Buller    | K Horkin   |
| S Carefoot  | S O'Rourke |
| J Clark     | J Rogerson |
| L Edge      | R Sherras  |

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

Also in attendance: Councillors S Atkinson and S Farmer

388 APOLOGIES FOR ABSENCE

There were no apologies for absence.

389 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 22 September 2022 were approved as a correct record and signed by the Chairman.

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

Councillor K Horkin declared he owned business premises in Clitheroe.

Councillor T Austin declared an interest in planning application 3/2022/0857 and would speak only as ward councillor.

391 PUBLIC PARTICIPATION

There was no public participation.

392 PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990

393 PLANNING APPLICATION 3/2022/0637 - KEEPERS COTTAGE, NORTHCOTE ROAD, LANGHO, BB6 8DB

RESOLVED that the application be minded to approve and go back to committee for appropriate conditions.

(Rebecca Grundy spoke in favour of the above application. Councillor S Atkinson was given permission to speak on the above application)

394 PLANNING APPLICATION 3/2022/0857 - CROASDALE FARM, 1 WHINNEY LANE, LANGHO, BB6 8DQ

RESOLVED that the application be minded to approve and go back to committee for appropriate conditions.

(Katie Swingewood, on behalf of Billington & Langho Parish Council spoke in favour of the above application. Councillor S Farmer was given permission to speak on the above application)

(Councillor T Austin left the meeting and took no part in the vote)

395

#### ARCHAEOLOGICAL ADVICE

The Director of Economic Development and Planning submitted a report seeking authority from committee in respect of a Service Level Agreement with LCC for archaeological advice relating to planning applications.

The Director informed members that in 2019 a service level agreement had been entered in to for the period up to 2021. The agreement set out RVBC's contribution to the service and that payment is made within the first quarter of each financial year as one payment. The Historic Environment Team had confirmed that this was for budgetary reasons.

She outlined the current position which was an annual agreement with a fee of £10,603 for 2021/22, £10,837 for 2022/23 and £11,075 for 2023/24. The 2021 agreement was never signed but the invoice was paid. In 2022 a similar agreement was received; however, it had not been signed and the invoice not paid as there was no SLA in place.

LCC had confirmed the work carried out in relation to the outstanding invoice, and the Director recommended that the Council enter into the SLA and pay the invoice for this years' service. However, going forward it was suggested that the service being provided be reviewed to ensure the financial assistance provided by RVBC reflects the level of need for archaeological advice within the Borough.

#### RESOLVED THAT COMMITTEE

1. Agree for the Director of Economic Development and Planning enter into a SLA with LCC for the provision of Archaeological advice and pay this year's invoice, and
2. Agree that a full review of the service provided and the level of need of service for the Borough be undertaken in the new year with any suggested SLAs with LCC brought back to this committee.

396

#### HOUSING LAND EVIDENCE UPDATE

The Director of Economic Development and Planning submitted a report providing members with key information in relation to the updated Housing Land Availability Study (HLAS) which had a base date of 31 March 2022.

The Council has a duty to ensure a five-year supply of deliverable housing land and this should be identified at all points during any plan period. 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 had previously undertaken work to provide clear evidence required by the Framework to reinforce the five-year supply position.

The Standard Methodology Calculation was set out in the 5-year statement and was 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.

Although the Council could identify an extensive supply of housing against the nationally defined methodology, members were reminded that the existing pipeline of housing consents were being built out at an accelerated rate. As a result, the supply position was likely to change quickly, the implications of which must be considered in respect of housing requirement and provision within the emerging Local Plan.

As the 5-year statement would form an important baseline for the Local Plan Review, it was proposed the document be published for a period of four weeks in draft form inviting comments from stakeholders on the evidence used and the assumptions made.

#### RESOLVED THAT COMMITTEE

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;
2. Agree that following the consultation period and subject to there being no issues that would warrant further consideration by committee and in agreement with the Chair of this committee, that the document be published as the Council's baseline 5-year housing supply position, and
3. Authorise the Director of Economic Development and Planning to undertake such technical amendments as are deemed necessary.

397

#### PLANNING ENFORCEMENT POLICY 2022 - 2025

The Chief Executive submitted a report seeking committee approval of the Planning Enforcement Policy 2022 – 2025.

The policy sought to set out in a clear and comprehensive format the purpose of enforcement, what amounts to a breach of planning, the process to be followed, how complaints would be categorised, investigated and the potential routes of action. Methods of reporting and proactive monitoring of development were also included.

Committee were pleased with the document which they felt would be useful when dealing with individual queries.

#### RESOLVED THAT COMMITTEE

Approve the Planning Enforcement Policy 2022 – 2025.

398

#### RIBBLE VALLEY LOCAL PLAN UPDATE

The Director of Economic Development and Planning submitted a report for information on progress with the replacement Ribble Valley Local Plan.

Consultation had taken place on Regulation 18 and briefings had been held with parish councils exploring issues and assisting parishes to contribute. The Local Plan working group will meet shortly to consider the outcome of the consultation ahead of the response and the next stages being considered by committee.

At this stage the headline position was that there is overall support for maintaining the existing Development Strategy, but that some consideration would need to be given to sustaining villages. Overall, climate change issues and mitigation would need strengthening and concerns that continued past rates of development were not appropriate had been expressed.

Also, to be considered would be the sites that had been promoted through the consultation, and suggested open space, as well as the wider response to call for sites which would help demonstrate if needed that the Council would be able to meet potential land requirements.

It was also noted that the progress for the Plan does remain subject to challenges with staffing, availability of consultants for evidence-based work and the possible imminent changes to National Policy and Planning Legislation.

399 CAPITAL MONITORING 2022/23

The Director of Resources submitted a report for information on the progress on this committee's 2022/23 capital programme for the period April to September 2022.

At the end of September there had been no spend on the one capital scheme that was currently on hold, and it was unclear whether there would be any spend on the scheme in 2022/23.

400 REVENUE MONITORING 2022/23

The Director of Resources submitted a report for information on the position for the period April to September 2022 of this year's original revenue budget as far as this committee was concerned.

The comparison between actual and budgeted expenditure showed an overspend of £85,405 to September 2022. After allowing for transfers to/from earmarked reserves that was an overspend of £121,279.

401 APPEALS (IF ANY)

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.

402 MINUTES OF WORKING GROUPS

There were no minutes of working groups.

403 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

404 EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 7.30 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).

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DECISION

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

meeting date: THURSDAY, 1 DECEMBER 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>   |                 |                        |  |
|   | 3/2022/0637   | BT              | M/A                    | Keepers Cottage, Northcote Road, Old Langho, BB6 8BD     |
|   | 3/2022/0857   | SK              | M/A                    | Croasdale Farm, 1 Whinney Lane, Langho, BB6 8DQ          |
| <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>   |                 |                        |  |
|   | 3/2022/0115   | KH              | REF                    | Land East of Salesbury View, Wilpshire                   |
| <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> |                 |                        |  |
|   | 3/2022/0781   | NH              | DEFER                  | Land North of Ribble Valley Enterprise Park, A59, Barrow |
| <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/RMinded to Approve / Refuse | SH Sarah Heppell | BT Ben Taylor        |

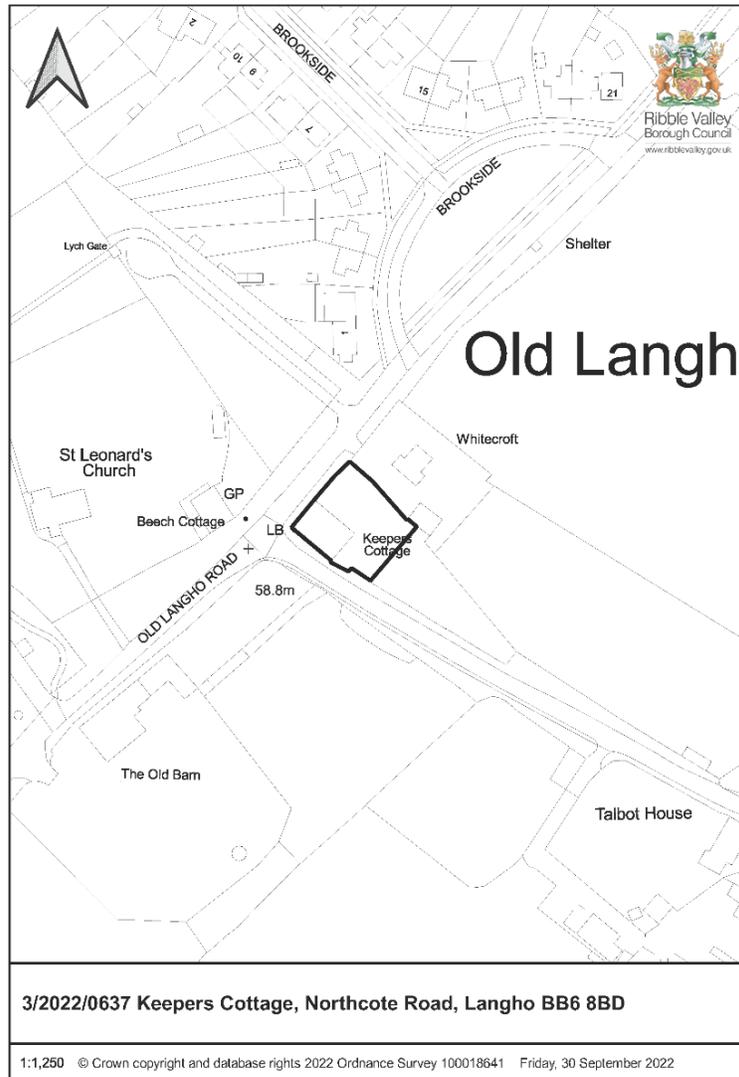
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**APPLICATION REF: 3/2022/0637**

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 of 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.

**RECOMMENDED:** That planning permission be REFUSED for the following reasons:

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)

#### **RECOMMENDATION 2: UPDATE FOLLOWING 20 OCTOBER PLANNING AND DEVELOPMENT COMMITTEE MEETING:**

On 20 October 2022 Committee were minded to approve the application and requested that the application be brought back to Committee with appropriate conditions.

Further correspondence has since been undertaken with the applicant with regards to the potential impact of the development upon existing trees within the application site. The applicant has since confirmed that an Arboricultural Impact Assessment is to be undertaken in relation to the existing trees within the application site however at the time of writing this assessment the assessment had not been completed. To ensure the development does not adversely impact on the trees a suitable condition has been attached.

Requests have also been made to the applicant with regards to the provision of further information relating to the proposed use of external materials and the location of waste / recycling areas within the application site. The applicant has also been asked to explore options for consolidating the three individual garden areas proposed for the southern area of the application site into an outdoor communal area however no response has been received to date with regards to any of the above requests. As such suitable conditions are suggested below.

Should Committee still be minded to approve the application the following conditions and notes are recommended for consideration:

*Time Scale for Implementation of Consent*

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

*Approved Plans and Documents*

2. 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 drawings:

Location Plan Drawing No: A1.0  
Proposed Site Plan Drawing No: A1.2  
Landscaping Plan Drawing No: 1000  
Proposed Ground Floor Plan Drawing No: A1.4  
Proposed First Floor Plan Drawing No: A1.5  
Proposed Elevations Drawing No: A1.6

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

*Materials*

3. Notwithstanding the submitted details, details or specifications of all materials to be used on the external surfaces of the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and respond positively to the inherent character of the area.

*Landscaping and boundary treatments*

4. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub / hedgerow clearance or tree works / removal shall commence or be undertaken on site until a scheme for the hard and soft landscaping of the site and details of the alignment, height, and appearance of all boundary treatments has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include as a minimum, the types and numbers of trees and shrubs to be retained and planted within the site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and specifications of all retaining structures.

For the avoidance of doubt the landscaped area to the rear of the hotel shall be landscaped as a communal area of open space and shall not be split into individual 'garden' areas as indicated on the submitted plans.

The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

For the avoidance of doubt all trees / hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

REASON: To ensure the proposal is satisfactorily landscaped and trees / hedgerow of landscape / visual amenity value are retained as part of the development.

### *Highways*

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan Drawing No: A1.2 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.

6. 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 5 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.

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan Drawing No: A1.2.

Any part of the parking area located within the root protection areas of the existing trees shall be constructed using no-dig construction techniques.

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, to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and to protect the trees to be retained adjacent to the site.

8. Prior to the first occupation a minimum of one car parking space implemented in accordance with Proposed Site Plan Drawing No: A1.2 shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently. The charging point shall be retained in perpetuity thereafter

REASON: In the interests of supporting sustainable travel.

9. The hotel hereby approved shall not be used until a cycle storage plan for the commercial use has been submitted to and approved in writing by the Local Planning Authority. These cycle facilities shall be provided in accordance with the approved details prior to the first use of the hotel hereby approved and shall thereafter be kept free of obstruction and available for the parking of bicycles only at all times.

REASON: To allow for the effective use of the parking areas and to promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.

10. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority.

The approved / plan statement shall provide:

- The erection and maintenance of security hoarding where appropriate;
- Wheel washing facilities;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of the construction;
- Measures to control the emission of dust and dirt during construction;
- Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period of the development.

REASON: In the interests of safeguarding neighbouring residential amenity and for the safe operation of the adopted highway during the demolition and construction phases.

### *Usage*

11. Notwithstanding the provisions The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the development hereby approved shall only be used as hotel accommodation and for no other purpose, including any other purpose outside of Use Class C1.

REASON: For the avoidance of doubt, and to avoid an over-intensive use and to ensure that the development remains compatible with the character of the area and the intensity and frequency of usage remains proportionate to the use hereby approved.

12. The hotel accommodation hereby approved shall not be let to or occupied by any one person or group of persons for a combined total period exceeding 90 days in any one calendar year and in any event shall not be used as a unit of permanent accommodation or any individual(s) sole place of residence. A register of all occupants of the accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain the name and address of the principal occupier together with dates of occupation.

REASON: To ensure that the development remains compatible with the character of the area and the intensity and frequency of usage remains proportionate to the use hereby approved.

#### *Hours of operation*

13. The premises shall not be open for sales of alcohol before the hours of 12:00 nor after 23:00 Monday to Friday, before 11:00 or after 23:00 on Saturdays, on Sundays and public holidays before the hours of 12 or after 22:00.

Use of the bar / lounge area as shown in Proposed Ground Floor Plan Drawing No: A1.4 shall solely be restricted to patrons of the hotel and shall not be used by any visiting members of the public or any other person(s) not registered as a guest at the premises.

REASON: To protect the amenities of nearby residents.

14. No amplified or other music shall be played on the premises between the following times: 22:00-08:00 Monday to Sunday.

REASON: To protect the amenity of the locality, especially for people living and / or working nearby.

15. The outdoor terrace area as shown in Proposed Ground Floor Plan Drawing No: A1.4 must not be used by customers consuming food or drink, prior to 08:00 and after the hours of 22.00.

REASON: To safeguard the living conditions of nearby residents, particularly with regard to the effects of noise.

#### *Refuse storage*

16. Before the development hereby permitted is first occupied, provision for refuse storage shall be provided within the site.

Notwithstanding the submitted details, elevational details at a scale of not less than 1:20 and details of the precise location of all proposed refuse storage provision shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation.

The development shall be carried out in strict accordance with the approved details and the approved details shall be retained and made available for use at all times thereafter.

REASON: In order that the Local Planning Authority may ensure that the development provides adequate dedicated provision for the storage of domestic waste.

#### *Drainage*

17. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

### *Ecology*

18. The biodiversity mitigation measures as detailed in the ecology report dated 30th June 2022 shall be implemented in accordance with any specified details and timetable. Thereafter, the biodiversity measures shall be permanently maintained and retained in accordance with the approved details.

REASON: In the interests of biodiversity and to minimise / mitigate potential impacts from non-native invasive species resultant from the development.

### *Lighting*

19. Details of external lighting to be installed on any structure, or elsewhere within the site, shall be submitted to and approved in writing by the Local Planning Authority prior to any such lighting being installed.

REASON: In order to ensure a satisfactory appearance in the interests of visual amenity and to prevent nuisance arising.

### *HVAC / Plant*

20. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub / hedgerow clearance or tree works/removal shall commence or be undertaken on site unless and until details of all external or building mounted HVAC, plant, extract or ducting has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and that any externally mounted equipment is not of detriment to the residential amenities of nearby occupiers or visual amenities of the area.

### *Demolition*

21. No works of demolition or construction shall be carried out beyond the works indicated within the following plans:

- Existing Ground Floor Demolition Plan Drawing No: A1.7
- Existing First Floor Demolition Plan Drawing No: A1.8

REASON: To define the scope of the permission hereby approved and to safeguard the visual amenities of the locality against over-intensive development.

**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 appose 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)

Technical Guidance to National Planning Policy Framework

## 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 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 designed 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.

7. **Update Following Planning and Development Committee Meeting of the 20<sup>th</sup> October 2022**

- 7.1 Following the Planning and Development Committee of the 20th October 2022, Members were minded to approve the proposal contrary to officer recommendations, as such the application is being brought back before members for determination with suggested conditions and recommendations should committee be minded to approve the proposal. As such, should members be minded to approve, the proposal should be motioned for approval on the following basis:

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

1. 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 drawings:
  - 0567A/93 Drawing 00 A: Location Plan
  - 0567A/93 Drawing 05 A: Proposed Site Plan
  - 0567A/93 Drawing 06 B: Proposed Site Plan
  - 0567A/93 Drawing 08: Proposed plan and Elevation of Toilet Block

Reason: To clarify the nature of the details relating to the development hereby approved.

2. Prior to their installation details of a scheme for any external building or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the local planning authority.

For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated. The lighting schemes(s) be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area by virtue of excessive light spill and to minimise/mitigate the potential impacts upon protected species resultant from the development.

3. The proposed hedgerow and enhancement planting as indicated on the approved details (0567A/93 Drawing 05 A and 0567A/93 Drawing 06 B) shall be implemented within three months of the date of this permission. The implemented hedgerow shall thereafter be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority.

This maintenance shall include the replacement of any tree, hedgerow or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted. All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

Reason: To ensure the proposal is satisfactorily landscaped and trees/hedgerow of landscape/visual amenity value are retained as part of the development.

4. The proposed access widening, vehicular access improvements within the site and proposed vehicular 'passing places' shall be implemented and be made available for use within three months of the date of this permission.

For the avoidance of doubt, the access that interfaces directly with Whinney Lane shall be 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 ensure adequate vehicular access to an within the site and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety.

#### BACKGROUND PAPERS

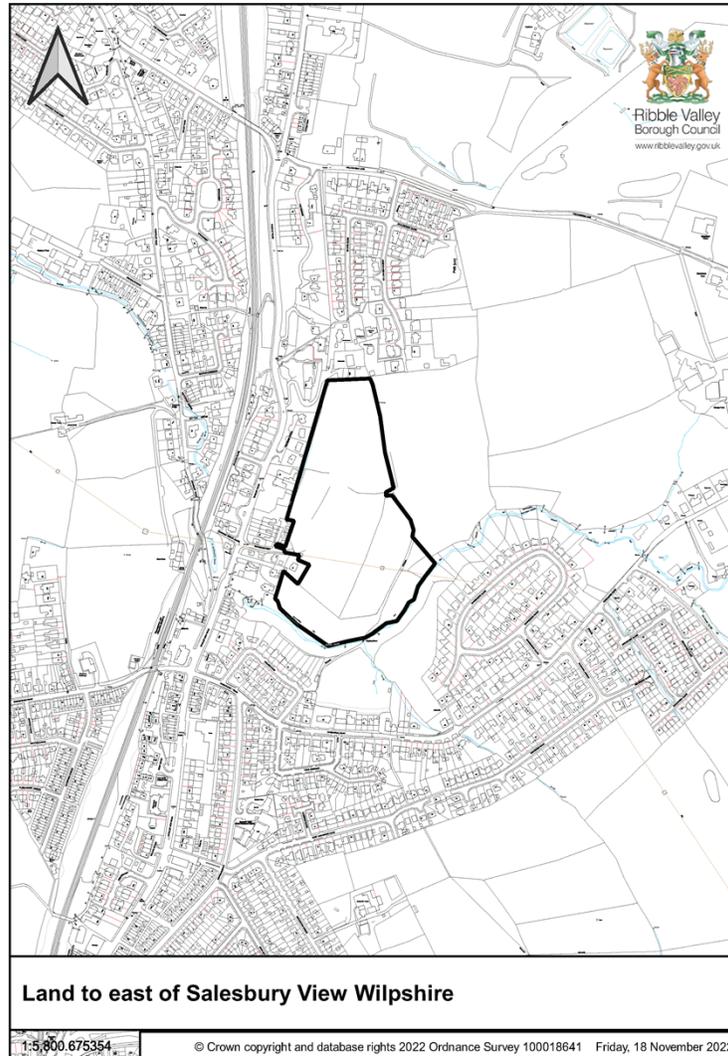
**[https://webportal.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2022%2F0857](https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F0857)**

**APPLICATION REF: 3/2022/0115**

GRID REF: SD 368799 431728

**DEVELOPMENT DESCRIPTION:**

PROPOSED ERECTION OF NEW RESIDENTIAL DEVELOPMENT COMPRISING 99 NEW HOMES, INCLUDING 30% AFFORDABLE HOUSING, OPEN SPACE AND ASSOCIATED INFRASTRUCTURE. LAND TO EAST OF SALESBURY VIEW, WILPSHIRE



**CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

**PARISH COUNCIL:**

Wilpshire Parish Council object to the planning application 3/2022/0115 Land to East of Salesbury View Wilpshire for the following reasons:

HIGHWAY SAFETY - the access and egress to the site through Salesbury view is not adequate. Salesbury View is on a steep incline which causes problems in the winter months as this is not on a gritting route. An extra 106 houses on the proposed site will add a lot of extra vehicle movements both onto the A666 and turning off the A666 up to Salesbury View. In recent years there have been fatal accidents on that road and vehicles movements from an extra 106 properties will be hazardous. There is no pavement provision on the right-hand side of Whalley Road as going towards the Wilpshire Hotel traffic lights and also as going towards the traffic lights at the Bulls Head causing highway safety concerns. The pavement towards Blackburn terminates not far from Salesbury View. If this development were to go ahead this would be a significant danger to the numbers of people walking from the proposed development towards Blackburn, more so than the rather longer pavement towards Wilpshire. The 12% incline on Salesbury View Road will also cause problems for pram or wheelchair users.

HOUSING NEEDS IN WILPSHIRE- there is a housing need for bungalows and apartment start up homes within Wilpshire and the parish council does not think that this development satisfies this need.

HOUSING SUPPLY - we believe that the 5-year housing supply has been met. There is a residual number of 32 houses [in terms of planning inspector expectations] for Wilpshire in the Core Strategy this application far exceeds that number.

DRAINAGE - there have been flooding issues on Whalley Road down to Station Close caused by recent development on land on a nearby development and water remains flowing across Whalley Road. Another 106 houses will add to the current problems.

In the Local Plan Proposals Map for Wilpshire [August 2016] this area of land is within EN3 Minerals Safeguarding Area and is also not included within DS1 Draft Settlement Boundary.

ECOLOGY - wildlife noted on the site includes bats, great crested newts, roe deer, rural foxes and hedgehogs.

Wilpshire Parish Council also wish to see the green wedge between Wilpshire and Blackburn maintained.

VISUAL AMENITY- privacy will be lost for residents backing onto the development and such a large development is out of keeping with the area. Basically it is the wrong development for that site.

Although the Parish Council feel that this development should be refused should the officer recommend approval the Parish Council would like to see the following items included in any Section 106 Agreement - a playground on the site, a contribution towards new equipment on the Durham Road Play Area and a new footbridge and steps over Showley Brook.

In addition, should permission be granted then there should be a definite confirmed connection to FP 25 coming down from Hollowhead Ave.

Ramsgreave Parish Council:

Landscape: The development would result in negative effects on the local landscape and be visible from miles around. The views submitted by the applicant are very selective and try to minimise the visual impact. They do not even include any taken from directly opposite or other points in Ramsgreave. I have appended these for information.

Housing numbers: Wilpshire only needs 32 new houses before 2028 and these need to be suitable for first time buyers and older people. 109 is five times that number and the wrong type of properties.

Housing standards: Persimmon have a poor reputation for building quality, in particular with regard to fire safety.

Access: The only access road is steep and unusable if there is ice, existing residents are forced to park on the main road.

Traffic: The A666 through Wilpshire is the main route between Blackburn and Clitheroe. Another 109 houses will hugely increase this and the danger of more accidents, especially as Salesbury View is close to the blind double bend at The Knolle.

The traffic survey was carried out during lockdown and therefore is not accurate.

Speeding is common on the A666 and down the Knowsley Rd to Ribchester Rd rat run used to avoid the traffic lights on Whalley Rd. Many people travel to BAE and M6 along Ramsgreave Rd from Wilpshire. Speeding is common through lower Ramsgreave and further up there is a 60mph limit with narrow pavement. This development would increase the risks from traffic to our local residents. A recent speed survey carried out by the police detected cars going over 30mph three times per hour.

Drainage: Severe drainage issues due to the steep hillside consisting of clay. Neighbouring land that was developed caused flooding issues across Whalley Rd for months resulting in damage to property and road safety issues. The site is adjacent to a stream which could lead to pollutants entering the watercourse.

Ecology: The site encompasses ancient woodland and in particular hedgerows that support many species. This development will destroy 165 meters of hedgerow as well as numerous trees. Persimmon's ecological survey falls short of any meaningful identification and protection of wildlife: residents regularly see roe deer, foxes, hedgehogs and bats in fields and neighbouring woodland as well as a large variety of birds that depend on the hedgerows.

Air quality: The development would increase private car use and local emissions resulting in negative impact on local air quality.

Facilities: Limited access to local NHS doctors and dentists in Wilpshire and limited local school places.

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

LCC Highways have considered and fully assessed the highway impact.

Following the submission of further information LCC Highways raised no objections subject to appropriate conditions and contributions.

Conditions relate to a construction management plan, phasing plan, access arrangements; site access and off-site highway works; MOVA upgrade of signals, management and maintenance, full engineering, drainage, street lighting and constructional details, vehicle restraint assessment, bin collection scheme, landscaping, off-road pedestrian links, parking and turning facilities, electric vehicle charging points and cycle storage.

Contributions relate to £6,000 towards Travel Plan support and £45,870 to provide a footbridge over Knotts Brook and to surface and widen the footpath between the start of the woodland (metal gate) and Knotts Brook.

#### **LEAD LOCAL FLOOD AUTHORITY (LLFA)**

The Lead Local Flood Authority has no objection to the proposed development, subject to appropriate conditions relating to the submitted Flood Risk Assessment, submission of final surface water drainage strategy, construction surface water management plan, sustainable drainage system operation and maintenance manual and verification report.

#### **UNITED UTILITIES:**

No objections. UU recommend that conditions are imposed in relation to drainage and have also advised that part of the site includes land within UU's ownership. They have requested that the developer continues to engage with them with regards to works that may affect their infrastructure.

#### **LCC EDUCATION:**

Due to a current adequate supply of secondary school places LCC are not seeking any contribution towards these.

A contribution is required towards 20 primary school places, calculated at £16,749.96 x 20 places = £334,999.20

#### **EAST LANCS NHS TRUST CONTRIBUTIONS:**

In their consultation response East Lancs NHS Trust requested contributions of £1,707 per dwelling towards unplanned visits. This equates to a total of £180,890.

#### **HSE:**

Do not advise against the proposed development on safety grounds.

#### **LANCASHIRE FIRE AND RESCUE:**

It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'. If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature, but professional advice should be sought in such cases.

#### **ADDITIONAL REPRESENTATIONS:**

Letters of representation have been received from over 100 addresses objecting to the application on the following grounds:

- Loss of a greenfield site.
- Inadequate local infrastructure, schools, doctors etc.

- Detrimental impact on wildlife including owls, wagtails and birds, roe deer, shrews and voles as well as bats;
- Mitigation by tree planting is a fallacy as replacement trees take longer to grow to reach maturity than human lifespan;
- Only 32 houses are required to meet the current target;
- Concerns over the quality of the development which is unlikely to meet the historic landscape;
- Medium to high risk of flooding. The plans would impact on this.
- Poor access to Whalley Road via Salesbury View with vehicles getting stuck as the incline is too severe and hits the bottom, excessive on street parking and increase in traffic;
- Lack of pavement from Salesbury Road heading towards Blackburn;
- There is only a butchers, pub and golf club in Wilpshire. The majority of residents would spend outside the area
- Disruption during construction / Devaluation of property
- Many developments already in the area all at the expense of green belt land;
- No increase in local schooling, GP surgeries or infrastructure;
- Green spaces are crucial for local wildlife and our own mental wellbeing;
- Development would reduce the separation between Wilpshire and Blackburn;
- Question whether 45 further homes are required in Wilpshire as per the core strategy;
- Have to dodge speeding cars to get onto Whalley Road what traffic calming measures are going to be in place?
- Will create more cars and congestion especially in rush hour and increase in fuel emissions impact on health and the environment;
- Overhead cables near to proposed houses;
- Noise from machines would affect the residents
- Some of the houses already flood due to drains on Whalley Road; and
- Extra supports required in the infrastructure highlighted above – Are Persimmon going to provide or cover the cost?

One letter of support received – stating that the proposal will allow them to move into the Ribble Valley closer to family at a reasonable cost.

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

- 1.1 The application relates to a greenfield area of land approximately 6.23 Hectares in size which is currently open field and grazing land of an irregular shape. The site is located in Wilpshire and the extent of the area to be developed is a committed housing site (HAL2) with the settlement boundary extended to include this site in due course.
- 1.2 The site is to the East of Salebury View and is bounded by residential properties to the Western and Northern sides which are a mix of modern and older properties. To the Eastern side is open fields with mature woodland to the South and South East. The Southern boundary lies in close proximity to the borough boundary with Blackburn with Darwen.
- 1.3 The site slopes steeply from the northeast corner to the southern part of the site with an elevation difference of approximately 38m. There are differing gradients across the site ranging from 15-20% on the Northern half with the lower Southern side ranging between 10-15% and 5-10%.

- 1.4 A public right of way FP25 runs along the Eastern boundary of the site and separates an area of Green Belt to the eastern side which is included within the red edge but is not proposed for any built form of development.
- 1.5 There are electricity pylons and overhead lines that cross the site from East-West to the Southern part of the site.
- 1.6 An existing belt of trees crosses the centre of the site from East to West.
- 1.7 The site would be accessed off Salesbury View via Whalley Road 85m to the West.

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

- 2.1 The application seeks full planning permission for 99 dwellings, which comprises the following mix of accommodation.
  - 30no. affordable dwellings comprising of 7no. two-bedroom properties over 55's (including 5no. bungalows and 2no. M (4) 2); 8no. two-bedroom properties (rented); and 15no. intermediate comprising 13no. 3 bedroom and 2no. 2-bedroom properties;
  - 61no. market dwellings comprising 19no. two-bedroom houses; 7no. 3-bedroom houses; 23no. four-bedroom houses and 12no. five-bedroom houses; and
  - 8no. over 55's three-bedroom open market houses.
- 2.2 The submitted layout proposes that the vehicular access to the site will be an extension of Salesbury View which is accessed off Whalley Road. Pedestrian links to the site via the existing footpath network to the East are proposed together with a SuDs to the south of the site. Also shown on the plan is an existing Woodland to the south east end of the site as well as a wedge to the western centre of the site.
- 2.3 The development will be arranged around a central spine road which leads into cul-de-sacs and subsequently terminates towards the north and south boundaries.
- 2.4 The submitted details propose that 30% (rounded up to 30) of the housing to be provided on site will be affordable in accordance with Policy H3 of the adopted Core Strategy.

## 3. **Relevant Planning History**

Previous applications for the diversion of the overhead lines.

## 4. **Relevant Policies**

### **Ribble Valley Core Strategy**

Key Statement DS1: Development Strategy

Key Statement DS2: Presumption in Favour of Sustainable Development

Key Statement EN1: Green Belt

Key Statement EN3: Sustainable Development and Climate Change

Key Statement EN4: Biodiversity and Geodiversity

Key Statement H1: Housing Provision  
Key Statement H2: Housing Balance  
Key Statement H3: Affordable Housing  
Policy DMI1: Planning Obligations  
Policy DMI2: Transport Considerations  
Policy DMG1: General Considerations  
Policy DMG2: Strategic Considerations  
Policy DMG3: Transport and Mobility  
Policy DME1: Protecting Trees and Woodlands  
Policy DME2: Landscape and Townscape Protection  
Policy DME3: Site and Species Protection and Conservation  
Policy DME6: Water Management  
Policy DMH1: Affordable Housing Criteria  
Policy DMB4: Open Space Provision

## **Ribble Valley Housing and Economic Development - Development Plan Document**

Policy HAL2: Land at Wilpshire

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

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

#### **5.1 Principle of Development:**

- 5.1.1 The application is for the construction of 99 dwellinghouses. The site lies within the settlement boundary of Wilpshire which is a Tier 1 Village, and it is a committed housing site (HS2) and therefore the principle of housing here complies with DS1 and DS2.
- 5.1.2 Part of the site to the East lies within land designated as Green Belt. All of the proposed dwellings would be contained within the extent of the boundaries of the allocated housing site. The Green Belt land would remain undeveloped and become part of the open space for the development. This would not conflict with the Green Belt policy.
- 5.1.3 The site has been allocated for housing (policy HAL2) within the Housing and Economic Development Plan. There is no housing number for the allocation prescribed in the policy. The number of units assigned to Wilpshire during the plan period of 2008 – 2028 was 66. With 34 units being approved this leaves a residual of 32. However, this is not a cap on the amount of development that could be provided on the site and the amount of proposed development in itself would not be a reason for refusing this scheme.
- 5.1.4 It is considered that the following are material planning considerations:
- The site is a committed housing site;
  - The proposal includes affordable units and over 55s accommodation for which there is an evidenced need in this location; and

- The proposal includes infrastructure which will address flood risk
- Additional measures to facilitate highway safety including a pedestrian crossing, improvements to footpaths and bus stops and a contribution towards a footbridge over Knotts Brook;
- The proposal includes contributions towards education and provides on-site open space

5.1.5 Therefore, the scheme in this particular case would be acceptable in principle subject to compliance with the policies outlined above.

## 5.2 Impact on Residential Amenity:

5.2.1 The 99 dwellings proposed are a mixture of two and two and a half storey 2, 3, 4 and 5 bed houses and bungalows which are arranged around a central spine road. The site is bounded to the North and West by existing residential development and to the East and South is open countryside and woodland. Policy DMG1 seeks to ensure that development proposals do not adversely impact on the surrounding area and provides adequate day lighting and privacy distances.

5.2.2 The proposed dwellings are arranged such that they will maintain adequate facing distances to the existing surrounding dwellings with existing vegetation providing a buffer to properties on Salesbury View and Whalley Road. There are a number of existing residential dwellings which abut the site. No.'s 2, 8 and 10 Salesbury View are all detached properties whose rear elevations back onto and overlook this part of the site. Four properties (plots 96 – 99) would abut this eastern boundary.

5.2.3 A buffer zone is proposed to the rear (East) boundaries of 12 to 24 Whalley Road and 1 to 4 Wilpshire Banks. 12 to 20 Whalley Road are screened to some degree by existing garages to the rear along the western boundary. Both 22 and 24 Whalley Road have structures to the rear (western) boundary. No 22 has a detached outbuilding which is currently being refurbished to provide ancillary accommodation. There are no existing windows, and the existing hedgerow and land levels provide appropriate screening. No. 24 has a raised terrace area which would not be unduly affected by the proposal.

5.2.4 Hollowhead Farm and 20, 24 and 25 Hollowhead Avenue lie to the northern edge of the site along with properties on Beaver Close. The Knolle 26 Whalley Road is a detached property sited to the west of the site which has had planning approval for three detached dwellings over the past ten years resulting in The Coach House, 26a and 26b. None of these properties would be unduly affected by this proposal.

5.2.5 Additional hedge planting is proposed to these boundaries. It is considered therefore that the relationship to existing properties is acceptable subject to appropriate boundary treatments, including green retaining structures and additional planting, being secured.

5.2.6 The relationship between the proposed dwellings is also considered adequate with the dwellings arranged so that there is no direct overlooking from habitable

room windows which together with the 1.8 m boundary treatment proposed to the majority of rear garden boundaries would provide adequate screening. Conditions can be attached in order to control the specific boundary treatments.

### 5.3 Layout, Design and Density:

- 5.3.1 The proposed layout of 99 units shows lower density development close to the drainage ponds and woodland to the southern edge of the site and higher density to the eastern/middle part of the site.
- 5.3.2 Concerns have been raised by officers over the density of the proposed housing to the north and eastern sides which are close to open countryside and adjacent to larger detached properties. This has led to the scheme being reduced from the original 106 units to 99 with the proposed house types being amended in order to address this. However, there are still concerns with the density given that this is an elevated edge of settlement location and the resultant dwellings would be tightly packed with limited gaps between the units to soften the development edge.
- 5.3.3 In terms of design the dwellings proposed introduce a variety of terraced, semi-detached and detached properties around a central spine road and includes a mix of house types including bungalows with two, three, four and five bed terraced, semi-detached and detached houses. These standard house types are typically of the portfolio of this housebuilder. These are considered acceptable here in principle as they would complement the surrounding housing stock subject to appropriate materials.
- 5.3.4 The palette of materials proposed is red brick with some artificial stone elevations dotted around the site and a number of different coloured roofing materials. The agent has been requested to consolidate these so that stone elevations are grouped together at the eastern end of the site closest to the open countryside location and that the colour of the roofing materials are restricted to grey. This can be controlled by an appropriate condition.
- 5.3.5 The nationally described space standard was introduced by the Department for Communities and Local Government in March 2015 and was subsequently reported to and adopted by Members. These standards address the internal space within new dwellings and can be applied across all tenure. The document sets out the Gross Internal (floor) Area of new dwellings as a defined level of occupancy as well as floor areas and dimensions for key part of the home including bedrooms, storage and floor to ceiling heights.
- 5.3.6 Concerns have been raised over two of the proposed house types – the 3 bed Epping and the 2 bed Alnmouth - in terms of the amount of floorspace provided. Applying the nationally described space standard to both of these house types would result in a significant reduction of floorspace and therefore fail to meet the requirements. This casts doubt on the whether these properties could fulfil the requirements for prospective occupiers. The agent has been requested to consider amending the scheme by substituting these house types for ones which accord with the standards.

- 5.3.7 Therefore whilst the layout includes a variety of house types including two and three bed starter units, these have limited ground floor living accommodation and have a very narrow frontage. This results in the two car parking spaces to the frontage being very cramped for these units and reduces the front garden spaces to a nominal amount resulting in a cramped form of development and subsequently poor design.
- 5.3.8 As it stands this aspect of the proposal is not acceptable and fails to accord with policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028 and para 130 of the National Planning Policy Framework.

#### 5.4 Visual Amenity:

- 5.4.1 The site has differing land levels and slopes steeply from the east to the west and south. This feature is typical of the area and the ridges are considered to be important buffers between urban development and rural landscapes.
- 5.4.2 In terms of changes proposed to land levels this comprises raising the land by using cut and fill methods to create a level platform for the house and ensure gradients of gardens are no greater than 1:13. These changes are substantial and would result in level difference of approximately 18m between the eastern edge of the site and the four detached properties on Wilpshire Banks with the properties on Whalley Road lower again. This would be a significant change to this landscape when viewed from public viewpoints along Whalley Road and western viewpoints beyond. Due to the sloping retaining structures proposed this would be difficult to provide any effective screening.
- 5.4.3. Whilst the landform is susceptible to some change the proposed changes in levels in order to facilitate the development are significant and include substantial cut and fill at the northern end of the site. This part of the site is peat rather than clay and the peat would need to be removed to accommodate the foundations at a depth of at least 1.35m for plots 45 – 51. This would result in retaining structures built into the landform in order to achieve this development and would result in an unacceptable form of development in this location.
- 5.4.4 It is considered that this amount of change to the landform together with the amount of development and density proposed and the requirement for retaining structures to be built in order to facilitate the development would result in an unacceptable form of development that would adversely impact on this edge of countryside location to the detriment of visual amenity and result in an adverse impact on visual amenity contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008-2028.

#### 5.5 Landscape/Trees/Ecology:

- 5.5.1 National Landscape Character Assessment the site falls within National Character Area 35, Lancashire Valleys. There are key characteristics relevant to the site and vicinity which provide an overview of the wider landscape character.
- 5.5.2 With regard to a Landscape Strategy for Lancashire (2000) the site falls within Lancashire Character Type 7, Farmed Ridges and falls within Landscape

Character Area 7a, Mellor Ridge. The assessment identifies local forces for changes and their landscape implications.

- 5.5.3 In terms of topography the site lies within an area of rounded ridges formed by gritstone outcrops on the western side of a ridge where the landform begins to fall down towards Knotts Brook and Showley Brook. Levels within the site range from +177m AOD at the eastern boundary to +148.5m AOD on the southern boundary. It slopes steeply from the east to the west and south. This feature is typical of the area and the ridges are important buffers between urban development and rural landscapes.
- 5.5.4 The landform is susceptible to some change to accommodate the development including cut and fill, topsoil stripping, temporary storage mounds and earthworks for foundations and road. This magnitude of change is considered to be medium and would be adverse, long-term and permanent.
- 5.5.5 In order to mitigate the proposed development the existing hedgerows must be retained as well as trees where possible and incorporate new tree planting on the eastern boundary and throughout the site. The treatment of the eastern boundary is critical in reducing the visual impact and replicate the existing character of other built form on surrounding valley sides.
- 5.5.6 The north-south hedgerow is proposed to be removed and this is proposed to be mitigated by additional tree planting to the north and eastern boundaries and within gardens and areas of open space. This is a major change to the landscape as the proposed replacement trees would take time to mature which could be a period of 15 years.
- 5.5.7 The site is steeply sloping to the West and South and lies on the valley side. An arboricultural impact assessment has been submitted which identifies those trees to be retained and protected. A number of trees are proposed to be removed. Conditions could be imposed to ensure that trees are protected during the course of any development. An appropriate landscaping scheme has been submitted to the site and this can be required to be implemented by condition
- 5.5.8 This does raise concerns over the ability of the development to be successfully assimilated into the landscape whilst respecting the character of the area and patterns of adjacent development.
- 5.5.9 The existing agricultural field is unlikely to provide very high value habitat. A detailed landscaping scheme shows that there will be additional hedgerow planted throughout the site as well as landscaped areas and tree planting. This will provide a buffer to surrounding development and also enhancements to biodiversity through the provision of additional wildlife corridors.
- 5.5.10 An Ecological Assessment has been submitted which sets out the protection and conservation for nesting birds and foraging bats. These can be controlled by appropriate conditions. Bat and bird boxes will be required to be integrated within the dwellings. These measures will improve opportunities for nesting and roosting.

- 5.5.11 The existing agricultural field is unlikely to provide very high value habitat. A detailed landscaping scheme shows that there will be additional hedgerow planted throughout the site as well as landscaped areas and tree planting, although this is limited due to the topography of the site. This does provide a buffer to the surrounding development to the north and western boundaries as well as enhancements to biodiversity through the provision of bat and bird boxes within the site.
- 5.5.12 A number of recommendations and mitigation measures are outlined in the report which could be secured by appropriate conditions together with landscaping and tree retention and protection measures should permission be granted.

## 5.6 Affordable Housing Provision:

- 5.6.1 The applicant has submitted a commitment to meet the Core Strategy requirements in relation to overall housing mix and affordable housing provision on site, 30% of 99 units equates to 29.7 dwellings and 30 units are offered as affordable housing. This is compliant with Core Strategy Policy H3 in terms of the level of affordable housing offer. The applicant has submitted information with respect to the mix and proposes that the affordable housing offer is divided into 7 rented properties over 55's, 8 rented properties and 15 intermediate properties as well as 8 open market properties restricted to over 55's accommodation. This offer equates to 15% older persons accommodation and 30% affordables and therefore accords with policy DMH1.
- 5.6.2 However, as mentioned above, concerns have been raised over two of the proposed house types – the 3 bed Epping and the 2 bed Alnmouth in terms of the amount of floorspace provided. The National Space Standards sets out the requirements for minimum space standards and this stance has been adopted by Ribble Valley Borough Council. Both of these house types would result in a significant reduction in the amount of ground floor living space and therefore fail to meet the nationally space standard requirements and casts doubt on the whether these properties would fulfil the requirements for occupiers especially for the shared ownership element. The agent has been requested to consider amending the scheme by substituting these house types for ones which accord with the standards.
- 5.6.3 As it stands this aspect of the proposal is not acceptable and fails to accord with policy DMG1 and DMH1 of the Ribble Valley Core Strategy 2008 – 2028

## 5.7 Highway Safety and Accessibility:

- 5.7.1 The site will be accessed off Salesbury View which is an unclassified road subject to a 30mph speed limit. LCC Highways require off-site highway works in the form of tactile paving to both sides of the footway at the junction to the right of the access which serves the parking facilities for the dwellings fronting Whalley Road, as well as tactile paving on both sides of the footway at the access to Salesbury View.
- 5.7.2 There are bus stops located along Whalley Road to the west with the nearest 130m from the site. These stops are required by LCC Highways to be improved

to LCC specification which may include bus shelters if required. Bus Route 22 is a 30-minute service which runs from Clitheroe to Blackburn via Wilpshire whilst Bus Route 45 is an hourly service which runs from Preston to Blackburn via Wilpshire. Ramsgreave and Wilpshire Railway Station lies 320m to the West of the site with hourly services to Clitheroe and Manchester via Blackburn and Bolton.

- 5.7.3 A signalised pedestrian crossing is required by LCC Highways to be implemented on Whalley Road to the right of the junction which serves Salesbury View. LCC Highways also require the signals between the A666/Ribchester Road/Hollowhead Road to be upgraded from staggered signalised crossroads to a MOVA system to ensure that the timings at the junction are efficient following the installation of the signalised pedestrian crossing on Whalley Road. LCC Highways have not reviewed the signalised crossroads between A666/Parsonage Road/ Ramsgreave Road as this junction is within the jurisdiction of Blackburn with Darwen.
- 5.7.4 There are pubs, restaurants, places of worship, retail shops and medical centres within 800m of the site. Salesbury C of E Primary School is located approximately 1.7km and Pleckgate High School 2km away. The off-site highway works required will aid the sustainability of development.
- 5.7.5 Cycle storage provision is requested by LCC Highways for each plot together with electric vehicle charging points. The site has provided a Travel Plan which LCC Highways welcome. A contribution of £6,000 is still required towards Travel Plan support. Public Footpath 3-46-FP25 is located at the eastern boundary of the site and provides pedestrian access between the site and Hollowhead Avenue to the north and Parsonage Road to the south. Contributions of £45,870 are requested to enable LCC Highways to provide a pedestrian footbridge over Knotts Brook and to adequately surface and widen the footpath between the start of the woodland at the metal gate and Knotts Brook.
- 5.7.6 The strong concerns raised by nearby residents with regards to the access to the site have been fully considered, however, in order for a development to be refused on highway safety grounds the impacts must be severe and, in this case, the professional advice of LCC Highways is that the proposal is acceptable in principle subject to appropriate contributions and conditions relating to construction management, phasing, access arrangements, site access and off-site highway works, off-road pedestrian links, parking and turning facilities, electric charging points and cycle storage.
- 5.8 Flood Risk and Drainage:
- 5.8.1 Whilst the planning process cannot be used to require a developer to deal with existing issues it must be ensured that a development does not increase flood risk elsewhere. Consideration must also be given to the fact that this is currently an open field and when developed proper drainage systems will be put in place.
- 5.8.2 The Lead Local Flood Authority has raised no objections to the proposal subject to appropriate conditions being attached to any grant of approval.

## 5.9 Contamination:

5.9.1 A Phase I and Phase II ground investigation reports have been submitted which outline potential issues on the site and the mitigation measures required to address these.

5.9.2 This is acceptable and can be controlled by appropriate conditions being attached to any grant of approval.

## 5.10 Open Space Provision.

5.10.1 Policy DMB4 requires all residential sites over 1ha. to provide adequate and useable public open space on a site-by-site basis. Green infrastructure should be multi-functional and encourage, where possible, walking and cycling opportunities.

5.10.2 A landscape perimeter plan has been submitted which sets out the amount of built form, attenuation pond, highway and open space within the site. The amount of open space equates to 0.89ha, however, this needs to be meaningful open space and not just undeveloped land within the site boundary.

5.10.2 A children's equipped play area is proposed towards the centre of the site as well as a small Trim Trail facility to the eastern side close to the woodland and public footpath. Details of these facilities are agreed in principle with further details to be submitted.

5.10.3 Footpath access around the site has been extended to allow access to the woodland and beyond via connection with the existing Public Rights of Way to the western part of the site.

5.10.4 Details of the facilities could be controlled by an appropriate condition to ensure the provision is suitable for family housing and to secure the future maintenance and management of the space and equipment.

5.10.5 Off-site provision in the form of contributions has also been agreed in principle with a site identified which would benefit from improved facilities for play provision at Durham Road Play Area and Recreation Ground approximately 1.1km from the application site. Details of this are listed below.

## 5.11 Financial contributions.

5.11.1 A contribution towards NHS provision has been requested of £180,890. As this is not considered to meet the relevant test for contributions, this would not be included as part of this scheme.

5.11.2 An off-site recreation contribution of £216.90 per occupant based on the following occupancy rate:

1.8 – 2 bed x 32 = 57.6  
2.5 – 3 bed x 32 = 80  
3.1 – 4 bed x 23 = 71.3  
3.5 – 5+ bed x 12 = 42

Total £54,420.21. Whilst this has been agreed in principle consideration needs to be given to the location and type of provision required in the area. The primary objective is to provide adequate provision within the site first and foremost.

5.11.3 LCC Education have requested a contribution towards 20 primary school places.  
£16,749.96 x 20 places = £334,999.20

5.11.4 A contribution of £45,870 to provide a footbridge over Knotts Brook and to surface and widen the footpath between the start of the woodland (metal gate) and Knotts Brook.

5.11.5 These contributions can be secured through a Section 106 agreement provided all other issues have been satisfactorily addressed,

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

6.1 The material planning issues raised by the objectors have been discussed within the body of the report. Matters such as temporary disruption during construction and devaluation of property are not planning considerations and therefore not a reason to refuse an application. Contributions are sought where appropriate towards education, recreation, improvements to footpaths and affordable housing and suitable planning conditions can be imposed.

6.2 For the reasons outlined above the proposed development does not accord with the main aims and objectives of the adopted development plan and there are significant material reasons that would warrant the refusal of this proposal.

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

1. The proposed development would result in an unacceptable form of development on a prominent hillside location which would exacerbate their dominance in the street scene and wider public viewpoints to the detriment of visual amenity by virtue of the quantum of development, density and significant level changes to the landform required in order to facilitate the development contrary to policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.
2. The proposed development would result in a cramped form of development and sub-standard level of residential amenity for occupiers of the dwellings which, by virtue of their internal configuration and proposed internal floorspace areas, would afford residents a poor standard of internal residential amenity and a poor standards of living accommodation, being contrary to the aims and objectives of Policy DMG1 of the Ribble Valley Core Strategy and their failure to meet the 'Technical Housing Standards – Nationally Described Space Standards' and Paragraph 130 of the National Planning Policy Framework.

Adopted Core Strategy for the Ribble Valley 2008 – 2028 and the National Planning Policy Framework.

## BACKGROUND PAPERS

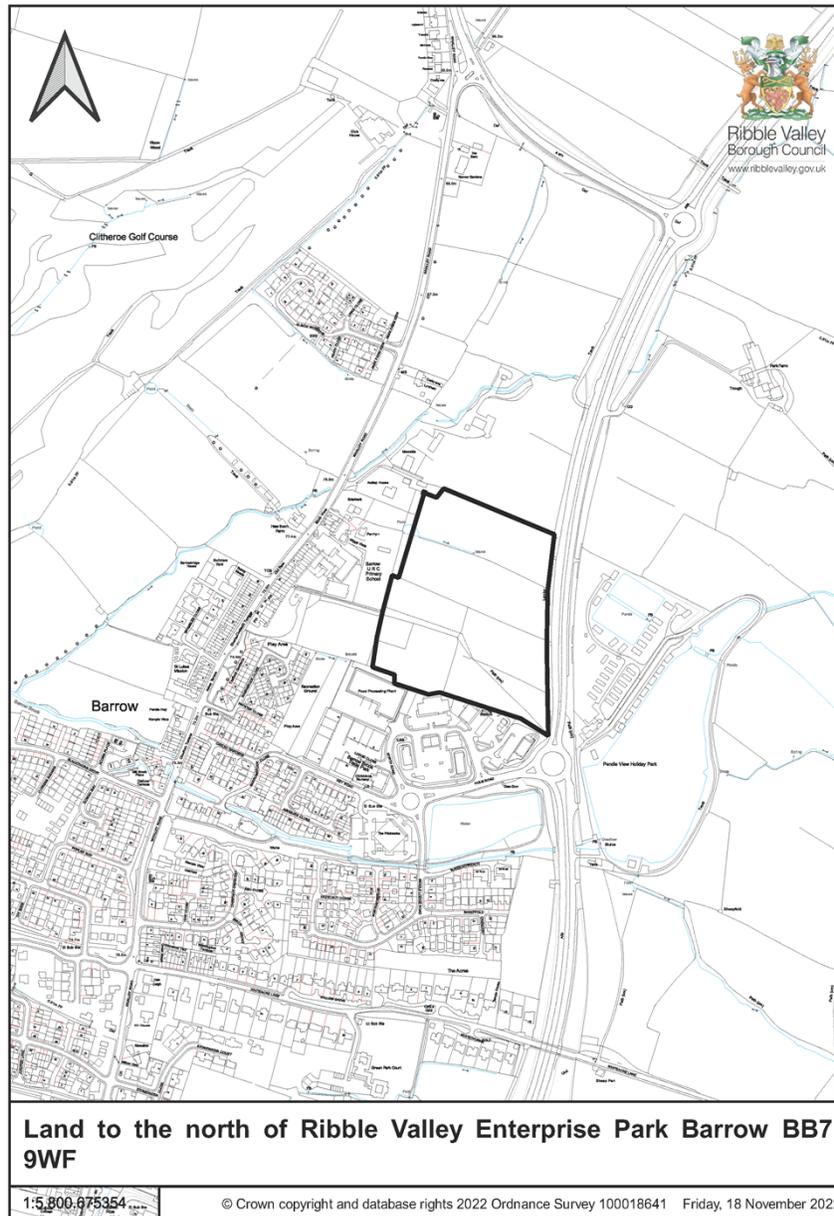
[https://www.ribbonvalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2022%2F0115](https://www.ribbonvalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F0115)

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**APPLICATION REF: 3/2022/0781**

**DEVELOPMENT DESCRIPTION:**

OUTLINE APPLICATION FOR THE DEVELOPMENT OF LAND NORTH OF RIBBLE VALLEY ENTERPRISE PARK TO PROVIDE UP TO 23,959 SQ M OF NEW COMMERCIAL/EMPLOYMENT FLOORSPACE. REQUESTING CONSIDERATION OF ACCESS WITH ALL OTHER MATTERS RESERVED.



**CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

**PARISH COUNCIL:**

1. In line with the proposed local plan, the Council feel that a school drop off point should be included within the site, to enable children to be delivered from the A59.

2. This should be the final extent of the land developed at Barrow Brook and the settlement boundary clearly defined as proposed in the local plan.
3. Barrow Primary has very limited outdoor space, hence building up to the rear of the school limits any future expansion. The Council tried to contact the head before the summer break to raise this with LCC.
4. Future employees commuting to the site via public transport are likely to have to use the public footpath directly next to the school entrance, both front and rear. This needs to be considered regarding a safeguarding point of view.
5. This latest proposal covers a much larger area of land than the previous p/a did. This larger commercial development if allowed, would be good news for local people as many new jobs would be created.
6. As the land is currently classified for Agricultural use, a land classification change would be required.
7. This new proposal would incorporate a new roundabout being built on the A59 for vehicular access to the site. For obvious reasons, there should be no other vehicular access to or from the site except from the A59.
8. The Council note a planned green buffer is to be installed to the west of the site along the rear boundary of the planned, future, small housing development. This buffer should be extended along the full length of the western edge of the site boundary, to act as a landscaping feature and to help diffuse any working noise from the commercial development, for nearby residents.
9. Any trees or hedging on the site, should be retained where possible.
10. The Council note the Public Right of Way is to be moved and a Diversion order will need to be obtained from LCC. This PRW crosses the A59 to the Pendle View Holiday Park to join up with the PRW on that side of the A59. LCC has been looking for a pedestrian crossing solution for the A59 to facilitate the need of people staying on the holiday Park wanting to visit Barrow Brook. LCC should also consider Rambler's/Walkers using the PRW network across the A59. Perhaps some type of pedestrian road bridge should be considered, with monies from the Developer towards the cost.
11. The report also states a pedestrian path should be available to the site for village residents. Perhaps a section of the PRW mentioned above which runs adjacent to the side of the school and onto the site could be used for this. Also, another path from the Barrow Brook side might be an advantage for residents to access the proposed site. It could also be an advantage for people traveling to work by bus on the site. The smaller buses no's 5, 5a, 25, 64 and 15, all stop at Barrow Brook on a regular basis.
12. The Council has noted certain comments in the FRA and Drainage outline Strategy Report. The composition of the site land soils on the proposed site, are made up of different types of clay and are not free draining. This has always been obvious to residents who have lived in Barrow for some time. There are many underground springs on the site and during heavy, continuing, rain, the land area floods and sometimes causes intense surface water run-off from behind the village car park. Hopefully, the various systems which could be used and are mentioned in the report are decided on and agreed by the relevant Authority, they will be able to control & prevent this happening.
13. The Council noted in the Report that sewage and foul water from the site will go into the old village combined system. Some of these pipes are very old and some possibly Victorian. Due to this proposed site being so large, the Council have concerns as to whether the old system can take the extra capacity and any plans in this respect, should be thoroughly checked by the relevant Authority.

#### **LCC HIGHWAYS:**

No objection to the proposal subject to conditions and contributions

## **UNITED UTILITIES:**

Have reviewed the submitted Flood Risk Assessment & Outline Drainage Strategy (ref: PGC 268, Issue 4 Final dated 9/8/2022) proposing surface water discharging into watercourse

The proposals are acceptable in principle to United Utilities. However, they do not have sufficient information on the detail of the drainage design, as such conditions are recommended in this regard.

## **LCC LEAD LOCAL FLOOD AUTHORITY:**

No objection subject to conditions

## **LCC ARCHAEOLOGY:**

The area has some potential for unknown archaeological features or deposits to survive, this being based on increasing experience of discoveries of archaeological evidence for human activity on areas of large scale developments across the county.

It is advised that the area should be subject to an archaeological geophysical survey to detect anomalies that may indicate the presence of archaeological features or deposits, followed by a programme of evaluation trenching to investigate any such anomalies to identify the presence, extent, nature and date of any archaeological features or deposits.

Ideally this investigation would be carried out prior to determination so that the mitigation of the impact of the development on any features found can be factored into the development process.

## **ADDITIONAL REPRESENTATIONS:**

**PWA Planning** have been retained by residents of Whalley Road to make representations on the proposals. Their initial comments are as follows:

- As submitted the application is deficient as several important technical reports have not been provided as follows:
  - Air quality assessment
  - Noise survey and assessment
  - Lighting impact statement
  - Biodiversity net gain calculation
  - Landscape and visual assessment
- An appropriate parameters plan directed by the above assessments is required.
- The sensitive receptors do not appear to have been considered as part of the proposals
- We have commissioned various technical assessments to indicate the true constraints of the site.

This was followed up by more detailed comments summarised below:

- At present the residents are alarmed by the application failing to be supported by appropriate technical reports that demonstrate the proposed quantum of development is achievable.
- The indicative layout plan- development in this form would be far too intensive, given that this space also needs to provide adequate landscape buffers, mitigation against noise, SuDs drainage, open space for the general amenity of staff, and Biodiversity Net-Gain (to a minimum of 10% as per the Environment Act).
- Errors have been identified within the proposed Constraints Plan and supporting reports, which have in turn influenced the proposed Parameters Plan.

- The parameters plan provides little relevant detail against which any future reserved matters application can reasonably be determined.
- The residents have commissioned their own “Parameters Plan”, which they feel represents a much more considered review and framework for future development, which is what a meaningful parameters plan ought to provide.
- It is expected that the Council will request that the applicant undertake appropriate detailed technical assessments which demonstrate proper consideration of issues such as drainage / ecology / visual impact / noise / lighting / air quality and general amenity, amongst other issues and that the parameters plan and indicative layout are adjusted to respond to these crucial issues.
- The initial assessments undertaken on behalf of the residents highlight the following matters.
  - 1) Drainage- the submitted Site Analysis Plan (ref.R1.BBBP.SAP.O1) does not show any level information, based on the topographical survey. There is an approximate 9m fall across the site (east to west) and this has not been reflected in the design information provided, i.e., there are no retaining walls, or clear steps within the proposed units shown. As such the current proposed parameters plan has inadequate storage for surface water run-off, which could then lead to potential future flooding.

Whilst the proposed Indicative Plan does include two SUDS areas, the Drainage Supporting Note confirms that the location of these will be ineffective.

The supporting report inaccurately states that there are ‘no watercourses within the site that need maintaining’- there are in fact existing drainage ditches within the site,

The present Parameters Plan would require consent from the LLFA for the removal or diversion of these features.

The Flood Risk and Drainage Assessment provides insufficient and inaccurate information to support an application of this scale.

- 2) Loss of Amenity- The proposed development has the potential to adversely affect the amenities of the area through the generation of excess noise, air pollution, light and dust during both construction and operational use of the site
- 3) Air Quality- Despite the scale of the proposed development, no air quality assessment has been undertaken by the applicants.

The proposed impacts upon the air quality should be a key consideration given the proximity to not only the proposed and existing dwellings but also Barrow Primary School.

The proposed buffer is very limited and does not continue along the western boundary where the school and existing dwellings exist and it could be construed that the intention is to construct buildings right up to the boundary with these sensitive existing uses.

- 4) Noise- The application is also absent an acoustic assessment. The residents are therefore very concerned that the proposals have the potential to generate significant and unreasonable noise and disturbance

An Acoustics Appraisal Briefing Note has been provided which identifies how the current design would result in a direct adverse impact to neighbouring properties due to noise from car parking, deliveries, and general use. It goes on to provide guidance on how the layout and design should be improved to ensure suitable separation distances, enabling

the use and design of the buildings to act as a sound barrier to any internal or external activities on the site.

The note also identifies the lack of details relating to the proposed lighting, that would significantly impact nearby amenities. Consequently, it is considered that the LPA should also request an appraisal of lighting impacts.

- 5) Biodiversity-The Environment Act 2021 introduced a new mandatory requirement for developments that result in loss or degradation of habitat to provide at least a 10% biodiversity net gain, which should ideally be made on-site.

Residents commissioned Envirotech to prepare a Briefing Note based upon the proposed plans and submitted ecology reports. The Briefing Note confirms that having calculated the baseline BNG score, the design will fail to achieve a Biodiversity Net Gain.

Based on the above, it is strongly recommended that the indicative layout and quantum of development is significantly reviewed as this would be unachievable whilst ensuring that the biodiversity obligations are met.

- 6) Visual Impacts- nearby applications and appeals have been refused by the Local Planning Authority based on the visual impact and views from Pendle Hill.

Whilst the land is allocated for employment uses within the Development Plan, the scale of development and type of buildings is such that it is likely to impact on views into the Ribble Valley and towards Longridge Fell, from Pendle Hill, which is part of the Forest of Bowland AONB.

It is important that the planning application is also subject to a detailed Landscape and Visual Appraisal, which in turn can inform the preparation of a Landscape Masterplan to demonstrate how harms will be mitigated.

It is also highly recommended that a greater landscape buffer is included to protect residential amenities along the western boundary.

- 7) Alternative Parameters Plan- An experienced masterplan architect has also been commissioned by the residents to consider the expert technical advice and to prepare a more appropriate and considered parameters plan.

- 8) Conclusion- It is therefore requested that the local planning authority either
  - Request that the applicant provide the level of supporting technical and associated information which would be expected of a major application of this scale, related to the flagship employment site in the District and one which is in a sensitive and highly prominent location.
  - Further request that the applicant provide suitable parameters and indicative layout plans which assimilate the site constraints and technical challenges and provide a level of detail which can form part of the approval process and hence can guide and manage future reserved matters applications for the site. The information should show how the scheme can balance economic, social and environmental priorities; achieving a development that is worthy of this particular sensitive location.
  - Allow the residents and other stakeholders to review and further comment on the additional information before arriving at a decision on the application.
  - In the event that the applicant refuses to provide, or the Council does not consider it appropriate, to seek this additional information and the application is to be

determined in its present form, then the residents would urge the Council to reject the planning application given the multiple development plan policy conflicts which are generated.

Three letters of objection have been received setting out the following points:

- Concerned this will become a retail park- impact on Clitheroe and Whalley
- Another roundabout will lead to vehicles queuing which could be avoided if the existing access through Barrowbrook was used
- A new roundabout will lead to months of disruption and severely impact on the environment
- Increase in traffic
- Utilisation of the existing access would enable phased development of the land so that development would service proven need for commercial property in the area.
- Concerned about the impact of the development on the living amenities of the

**Clitheroe Chamber of Trade and Commerce** have made the following comments

- In the Design and Access statement the developer admits that the plan is for representation only and that when detail planning is applied for the design might change and presumably that includes changing the units to retail, as already is the case at the neighbouring Barrowbrook site, where numerous industrial units have been granted retail planning permissions.
- Clitheroe Chamber of Trade and Commerce is not against units that will provide employment, but that's what Barrowbrook was supposed to be for, and therefore, IF outline permission is given for this new site a covenant should be attached to the planning that the whole site, or any part of it, can NEVER be used for retail use. This would prevent the loss of valuable land for employment use and protect the area available for employment use.
- The roundabout placed just 200m from the existing roundabout at Barrowbrook will lead to North bound tailbacks blocking the roundabout to the South at the entrance to Barrowbrook - especially at peak times. This will lead to an increase in vehicle pollution as they queue and therefore, to an increase in airborne particulates, reducing air quality for the area.

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

- 1.1 The planning application is submitted in outline and relates to a parcel of land immediately to the west of the A59 and north of Barrow Brook Business Park. The site is identified as a strategic employment site in the Ribble Valley Core Strategy as denoted on the Proposals Map and lies within the defined settlement of Barrow.
- 1.2 The site is bound to the west by Barrow Primary School, residential dwellings and land with extant planning consent for the development of 23 dwellings (3/2018/1149). A public footpath crosses the site from the south-east corner and crossing to leave the site at its western boundary.
- 1.3 The land is used presently as grazing land. The site contains a number of hedgerows and scattered trees.

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

- 2.1 The application is submitted in outline with all matters reserved except for access. The application proposes the erection of new employment/industrial units providing up to 23,959sqm of floor space.
- 2.2 The application proposes to provide a new roundabout junction into the site directly from the A59. An indicative layout has been provided to seeking to indicate that the maximum amount of development proposed can be accommodated. The layout shows a mix of units. A parameters plan indicates new boundary planting along the southern and western boundary and diversion of the public right of way that passes through the site.

## **3. Relevant Planning History**

3/2021/0759- Outline application for the development of land north of Ribble Valley Enterprise Park to provide up to 9.913 sq m of new commercial/employment floorspace (Use Class E) Requesting consideration of access with all other matters reserved. Pending consideration

3/2014/0846 - Outline planning application with all matters reserved for the erection of 167 residential dwellings with access and associated landscaping following demolition of no 23 and 25 Old Row. Refused. Appeal Dismissed.

3/2012/0739 - Outline planning application with all matters reserved for up 13,000 sq.m of mixed-use Class B1m B2 and B8 employment floorspace with access and assorted landscaping. Approved with Conditions.

## **4. Relevant Policies**

Key Statement DS1 – Development Strategy  
Key Statement DS2 – Sustainable Development  
Key Statement EC1 – Business and Employment Development  
Key Statement DMI2 – Transport Considerations  
Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport and Mobility  
Policy DME1 – Protecting Trees and Woodland  
Policy DME3 – Site and Species Protection and Conservation  
Policy DME6 – Water Management  
Policy DMB1 – Supporting Business Growth and the Local Economy  
Policy DMB5 – Footpaths and Bridleways and Conservation  
Policy DMB1 – Supporting Business Growth and the Local Economy

National Planning Policy Framework (NPPF)

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

### Principle of Development:

- 5.1 The site sits within Barrow Enterprise Site which is designated for strategic employment opportunities within the adopted Core Strategy (Key Statement DS1). As such developing this site for employment uses as proposed accords with the development strategy for the Borough set out within Key Statement DS1 and Policy DMG2 of the Core Strategy.

5.2 Policy DMB1 of the Core Strategy confirms that proposals that are intended to support business growth and the local economy will be supported in principle. As such the proposed development is acceptable in principle subject to other considerations set out within the Core Strategy.

Impact upon Residential Amenity:

5.3 There are a number of existing residential neighbours along Whalley Road, along with a primary school and commercial uses, near to the application site and Members will note that a number of the residents have commissioned PWA Planning to comment on the application on their behalf.

5.4 The residential dwellings close to the application have relatively generous plots. This along with their siting mean that they are a distance away from the application site. This notwithstanding ensuring the amenities of the future residents are protected is an important consideration as part of the proposals.

5.5 It is also noted that the adjacent site (to the west of this application site) has full planning permission for the erection of 23 dwellings. Whilst this development has yet to commence the reserved matters approval (3/2018/1149) was granted on 9th March 2021 and the development can commence up until 9th March 2023. As such the impact of the development on these future residential properties is a consideration.

5.6 As set out below plots 13-17 border this application site with their rear private garden areas adjacent to the site. The approved development includes a 3m high acoustic fence along the boundary of plots 16 and 17 where the boundaries are sited close to Total Foods. A pedestrian link from the housing site to this site is detailed between plots 15 and 16.



- 5.7 The proposed layout, although indicative at this stage, details industrial units close to the approved dwellings which has the potential to adversely impact on the neighbours amenities.
- 5.8 The application seeks a mixture of uses including:  
Class E(g)(iii) (Industrial Processes)  
Class B2- General industrial  
Class B8- Storage or distribution
- 5.9 It is important to note that since the Use Classes were updated in 2020 use Class E includes numerous different uses including retail and recreation. Former use Class B1, which includes commercial/ industrial uses which can be carried out in a residential area without detriment to its amenity, has been amalgamated into Use Class E(g). This site forms part of the allocated employment site, Barrow Enterprise Site, which allocates the land for employment uses including those within the former Use Class B1 and the retained use classes B2/ B8. Given this allocation is not for all the new uses within Class E any approval would be limited to Use Class E(g)(iii). Additionally given that such uses can be accommodated into residential area the use of the proposed units adjacent to the residential dwellings will form part of the Design Code controlled by condition.
- 5.10 Noting the comments made on behalf of the neighbours in respect noise, loss of amenity and air quality it is proposed to attach a condition requiring the submission of a Design Code in respect of this site which will establish key principles in respect of the layout to ensure that the site is suitably developed whilst protecting the neighbours' amenities. As this is an outline application any noise/ air quality assessment at this stage would be indicative given that the specific building uses, and siting of the buildings is not being applied for. Suitable conditions are suggested to address these matters.

Visual Amenity / Landscape:

- 5.11 Appearance, landscaping, scale and layout is reserved however the application is supported by an indicative layout plan which details 23,959m<sup>2</sup> of commercial / employment floor space, with associated parking.
- 5.12 The indicative layout plan details structural landscaping buffers to screen the development and protect the neighbouring future residential dwellings amenity spaces.
- 5.13 The submitted planning statement confirms that the scale of the proposed buildings will be in keeping with the settlement and the precedent set by the existing Ribble Valley Enterprise Park which adjoins the site to the south. The buildings will appear commercial in nature and will also take the lead from the existing business park buildings.
- 5.14 This is a very prominent site located along the A59 and it is essential that a high-quality development is secured. The site is also viewed within the wider landscape of the area including Pendle Hill. As such the design and layout of this development is a key consideration. Suitable design principles for this site will be required as part of the Design Code
- 5.15 Biodiversity Net Gain will need to be demonstrated on this site and included within the application for reserved matters in respect of landscaping.

### Highway Safety and Accessibility:

- 5.16 The only matter for consideration as part of this outline application is access. From an access perspective the proposed development includes:
- A fixed access into the site directly from A59 in the form of a roundabout;
  - An area for lorry parking to replace existing lay-by on A59 (A one-way loop lorry lay-by parking system has also been incorporated within the scheme to replace the A59 lay-by).
  - The exiting Public Right of Way which bisects the site will be diverted along the southern and western perimeter, supplemented by planted landscaping;
  - A pedestrian link through to approved residential development to the west;
- 5.17 Public Rights of way 3-47-FP1 runs through the proposed development site.
- 5.18 Lancashire County Council have raised no objection to the proposed development and have commented as below.

### ***Traffic Impact Traffic counts, growth and assessment years***

- 5.19 The trip rates are considered to be robust for the proposed mixed use Class E(g)iii, B2 and B8 uses and reflect those collected for a mixed-use Industrial estate in East Lancashire on a strategic route.

### ***Junction analysis***

- 5.20 It must be noted that the Pendle Fisheries off-site highway works for a new signalised pedestrian crossing on the A59 will reduce the capacity on the A59 at the Barrowbrook roundabout northbound exit by the reduction of two lanes to a single lane over a short distance.
- 5.21 The modelling demonstrates constraints on the A59 corridor with all junctions likely to experience congestion during the peak periods in future years. Mitigation measures to support sustainable travel modes must be provided to ensure alternative robust, high quality sustainable travel modes are available to staff at this site. Measures will include:
- Travel Plan
  - secure cycle parking and electric vehicle charging points,
  - new infrastructure to include a new section of cycle link on Whalley Road and quality bus stop upgrades on Whalley Road and Holm Road
  - A contribution to increase the frequency of the LCC subsidised bus services on Holm Road.

### ***Construction and phasing***

- 5.22 A new temporary priority give way access on the A59 for construction traffic would be acceptable to allow works on site to commence.
- 5.23 The visibility splays, geometry and surface will be matters to agree and it will be necessary to limit HGV movements to the off-peak movements 9.30am – 2.30pm with wheel washing and hard standing for operative parking and HGV turning to allow all vehicles to exit the site onto A6068 in forward gear.

### **Site access**

- 5.24 LCC would reserve the right to design and construct the roundabout on the A59, this is a consistent approach taken for the new roundabout at Pendle Road for the Taylor Wimpey development site and the new pedestrian crossing for the Pendle Fisheries Leisure Park development site.

### **PROW**

- 5.25 The public footpath reference 3-47-FP1 which passes through the site is proposed to be permanently diverted along the southern boundary. The width of the footpath should be a minimum of 2m wide with a 1m wide verge to both sides. The route must link to the proposed new signalised pedestrian crossing facility on the A59 which proposes a new section of footway around the western side of the existing Barrowbrook Estate roundabout.
- 5.26 A contribution of £30,000 was requested for application 21/0759 to improve FP3-47-FP1 which links to Whalley Road. Walking and cycling 3-47-FP1 crosses the site and provides pedestrians with access from the site to Whalley Road which lies to the west.
- 5.27 A new section of shared cycle/footway on Whalley Road between Elbow Wood Drive and Barrow Primary School is considered necessary to support sustainable travel modes and to reduce the impact of the traffic on the A59 and the roundabouts which are approaching and, in some cases, exceeding capacity in the future years.

### **Bus stops and services**

- 5.28 There are bus stops and services within close walking distance which are subsidised by Lancashire County Council.
- 5.29 The bus stop on Holm Road needs to be upgraded to quality bus stop standard and to include a bus shelter and the northbound bus stop on Whalley Road needs upgrading to provide a DDA compliant raised bus border kerb arrangement.
- 5.30 A contribution towards the running of the LCC subsidised bus services is sought to ensure that the services are secured for the future use by staff to travel to work sustainably. A contribution of £120,000 a year for 5 years will be required under a 106 agreement to facilitate this and to increase the frequency of the LCC subsidised service to support the site and the employees travel shift patterns.

### **Travel Plan**

- 5.31 A framework Travel Plan should be provided for the whole site and subsequently once the end users are known, they should provide plans bespoke to their staff travel demands.

### **Internal layout**

- 5.32 The internal layout is a reserved matter and therefore indicative only at this stage, there is a layby for 7 wagons to lay over. This mitigates the loss of the layby on the A59 and will require a scheme of signage to ensure that drivers are aware of the facility.
- 5.33 Robust measures to prevent pedestrians from accessing the site via the A59 site access must be well designed. The estate road will be built to adoptable standards but not

adopted by the Highway Authority due to its commercial use. The future maintenance must be included in a maintenance agreement under a private management company and details should be submitted by condition.

### ***Use classes - parking***

- 5.34 The application seeks a hybrid class E(g)iii Industrial process, B2 general industrial and B8 storage and distribution. The parking standards should be applied for a low accessibility location.
- 5.35 Secure, covered cycle parking, disabled car parking and electric vehicle charging points will be required for staff and customers to support sustainable travel at a rate of 1 per 10 spaces.

### **S278**

- 5.36 The grant of planning permission will require the applicant to enter into a S278 Agreement for
- A new 50m ICD roundabout designed to current DMRB standards (currently CD116) at the site access on A59.
  - A reduction in the speed limit on the A59 from national speed limit to 40mph to tie into the speed limit changes and off-site highway works at Pendle Fisheries.
  - Widen the existing footway on Whalley Road C549 to create a 3m wide shared pedestrian/cycle route between Elbow Wood Drive and Barrow Primary School.
  - Upgrade of nearest bus stops on Holm Road and Whalley Road to quality bus stop standard with bus shelters.
  - Diversion of and upgrade of public footpath 3-47-FP1 to link pedestrians and cyclists from the development site to Whalley Road and Holm Road via A59.

### Ecology / Trees:

- 5.37 Key Statement EN4 sets out that the Council will seek wherever possible to conserve and enhance the area's biodiversity and geodiversity and that negative impacts on biodiversity should be avoided.
- 5.38 The application is supported by an Extended Phase 1 Habitat Survey which sets out the following recommendations:
- Nesting Bird - It is recommended any vegetation clearance works are carried out outside the nesting bird season (generally March – August). If the works needs to be carried out within the bird nesting season, then a nesting bird survey will be required immediately prior to work commencing.
- 5.39 This recommendation can be secured by a condition on a positive recommendation.

### ***Habitat Enhancement***

- Soft landscaping should include the provision of native and non-native flowering perennial species, to provide a pollen and nectar source for invertebrates.
- Bird and bat boxes should be erected on the newly constructed buildings or retained trees where possible.
- Trees planting of native species where practically possible.
- 'Hedgehog holes' to be incorporated into the fencing of the site.

- 5.40 Members will note that the residents have commissioned envirotech to consider Biodiversity New Gain (BNG) matters and they have commented as follows:
- Based on enhancement to neutral grassland/ wildflower meadow and a 10% BNG. 0.85Ha would need to be retained and enhanced as grassland.
  - 155m of new open ditch would need to be created with 10m undeveloped buffer to its sides to offset the loss of ditch across the site and achieve a 10% BNG. This could be a ditch connecting swales.
  - Enhancement of grassland to the South of the site, which is already more species rich, would require less land take. A wedge of green space 20m wide along the entire West boundary should be close to achieving the same 10% BNG in grassland and allow ditch and swale creation.
- 5.41 Full details of how BNG will be secured on this site will be required as part of the application for reserved matters in respect of landscaping.
- 5.42 The application is supported by an Arboricultural Statement. Three individual trees, six tree groups and four hedges were surveyed including trees within the site and off-site trees that are likely to be impacted by the proposed access onto the A59.
- 5.43 Several moderate (Category B) and low (Category C) trees will have to be removed to facilitate the new access. It is likely that several more B and C category trees will need to be removed to facilitate the new buildings and this will be confirmed when the layout is fixed. The loss of trees will be more than mitigated through the provision of new trees and a comprehensive landscaping scheme (to be agreed at reserved matters stage).

#### Drainage

- 5.44 A drainage strategy, which includes an attenuation basin to the south of the site, has been submitted in support of the application.
- 5.45 The Lead Local Flood Authority has reviewed the proposed development and they have no objection subject to conditions. United Utilities also raise no objection.
- 5.46 Following receipt of the drainage information submitted on behalf of the residents this has been discussed with the Lead Local Flood Authority who still raise no objection to the proposals. As an undeveloped field there will be drainage ditches across the site however the two discharge points will be designed to deal with surface water on the site. When the drainage scheme is fully designed this will dictate a suitable location for the SUDs features and there is a lot of capacity for underground storage on the site. The design of the final drainage scheme can deal with the need for any retaining structures as queried.

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

- 6.1 Taking into account the above considerations it is recommended that the application is approved.

**RECOMMENDATION:** That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval following the satisfactory completion of a Legal Agreement, within 6 months from the date of this Committee meeting or delegated to the Director of Economic Development and Planning in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 6 months and subject to the following conditions:

1. Prior to the commencement of development, or the submission of any reserved matters, a plan indicating the phasing of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved phasing plan.

(a) Before development is commenced on any one phase of the development details of all 'Reserved Matters' pertaining to that phase namely appearance, layout, scale and landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority.

(b) An application for approval of all 'Reserved Matters' must be made not later than the expiration three years beginning with the date of this permission.

(c) The development to which this permission relates must be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be for upto 23,959m<sup>2</sup> of commercial employment floorspace and shall be carried out in complete accordance with the proposals as detailed on drawings:

|                           |                |                  |
|---------------------------|----------------|------------------|
| Location Plan             | RVI.BBBP.LP.01 | dated 04.08.2022 |
| Proposed Site Access Plan | 3465-F02 Rev A | dated APR 22     |

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent hereby approved.

3. Prior to the submission of any reserved matters applications on the site pursuant to Condition 1 a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall include the design principles for the whole of the site and will incorporate, amongst other elements:

- The Masterplan for the site
- Building Design principles
- Layout considerations including landscaping principles (evidenced by a Landscape and Visual Impact Assessment) and treatment of the western edge of the site particularly in respect of the suitable use classes for the buildings along this boundary
- Parking areas
- Appropriate building and hardsurfacing materials
- Details of appropriate boundary treatments
- Lighting
- Bin storage and rubbish collection
- Ecology, nature conservation and Biodiversity Net Gain
- Existing and proposed levels
- Tree works and tree protection measures

Each reserved matters application thereafter shall be submitted in accordance with the Approved Design Code.

REASON: To ensure a comprehensive approach to the development of this site is achieved and in the interests of the proper planning of the site.

4. As part of the first reserved matters application, pursuant to Condition 1, for the layout of each phase the following details shall be submitted:
  - Noise assessment
  - Air Quality Assessment

The development thereafter shall be carried out in accordance with the approved details including any necessary mitigation identified.

REASON: In the interests of the proper and comprehensive planning of the site to create a high quality sustainable development.

5. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (9th August 2022 / PGC 268 Version 4 / PG Consulting)

The measures shall be fully implemented prior to first occupation of any of the units hereby approved and in accordance with the timing / phasing arrangements embodied within the scheme.

REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

6. As part of the first reserved matters application a detailed, final surface water sustainable drainage strategy for the site shall be submitted.

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control for the:
  - i. 100% (1 in 1-year) annual exceedance probability event;
  - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
  - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
  - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
  - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
  - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
  - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
  - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
  - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
  - d) Evidence of an assessment of the existing on-site watercourses to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
  - e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.
  - f) Evidence of an agreement in principle with the third party landowners to connect to the off site surface water body.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

- 7. As part of the first reserved matters application a Construction Surface Water Management Plan shall be submitted detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

REASON: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

8. The commencement of use of the development shall not be permitted until a site specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

9. The commencement of use of the development shall not be permitted until a site specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

10. Prior to the commencement of the development or as part of the first reserved matters application for each phase details of the colour, form and texture of all hard ground-surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

REASON: To ensure a satisfactory form of development in the interest of the visual amenity of the area

8. The application for approval of reserved matters for each phase shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

REASON: To protect the appearance of the locality and in the interests of the amenities of local residents.

11. As part of the first reserved matters application for landscaping and/ or layout a landscape and biodiversity plan shall be submitted. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The landscaping shall include:

- Full details of Biodiversity Net Gain on the site
- Soft landscaping should include the provision of native and non-native flowering perennial species, to provide a pollen and nectar source for invertebrates.
- Trees planting of native species where practically possible.
- 'Hedgehog holes' to be incorporated into the fencing of the site.
- all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development;
- indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded,
- paved or hard landscaped; and
- detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

12. No development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites for that phase have been submitted to and approved in writing by the Local Planning Authority.

The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those individual buildings during the actual construction of those individual buildings identified on the submitted plan before each such building is first brought into use.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development

13. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard

REASON: To safeguard the trees to be retained

14. Demolition or construction works shall not take place outside 8am to 6pm Mondays to Fridays and 8am hours to 1pm on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To protect the amenities of the nearby residents.

15. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

16. All of the buildings hereby approved shall be used only for industrial/ employment purposes (Use Classes B2/B8/ E(g)(iii) and for no other purpose whatsoever, (including any other purpose in Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment).

REASON: to define the permission acknowledging the allocated land designation in respect of this site.

17. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the Local Planning Authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors;
- Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing;
- Delivery hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

REASON: In the interests of the safe operation of the adopted highway during the demolition and construction phases.

18. No development shall commence until a scheme including full engineering, drainage, street lighting and constructional details and timetable of implementation for the temporary construction site access, new roundabout on A59 and off-site highway works shall be submitted to and approved in writing by the Local Planning Authority.

The works shall include the following and be implemented prior to the first occupation of any building. The off-site highway works shall include:

- A new 50m ICD roundabout designed to current DMRB standards (currently CD116) at the site access on A59.
- A reduction in the speed limit on the A59 from national speed limit to 40mph to tie into the speed limit changes and off-site highway works at Pendle Fisheries.
- Widen the existing footway on Whalley Road C549 to create a 3m wide shared pedestrian/cycle route between Elbow Wood Drive and Barrow Primary School.
- Upgrade of nearest bus stops on Holm Road and Whalley Road to quality bus stop standard with bus shelters.
- Diversion of and upgrade of public footpath 3-47-FP1 to link pedestrians and cyclists from the development site to Whalley Road and Holm Road via A59.

REASON: to ensure the continued safe operation of the highways

19. No part of the development shall commence until a Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in accordance with the agreed timetable within the approved Plan.

REASON: In the interest of promoting sustainable transport

20. No development shall take place until a road phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority.

The road phasing and completion plan shall set out the development phases and completion sequence that roads serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved road phasing and completion plan.

REASON: To ensure the phasing and completion of roads serving the development are completed

21. Within 3 months of commencement of the development details of the proposed arrangements for future management and maintenance of the roads within the development shall be submitted to and approved in writing by the Local Planning Authority.

The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time a private management and maintenance company has been established.

Reason: To ensure the internal roads are appropriately managed and maintained

22. Within 3 months of commencement of the development full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal roads shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall, thereafter, be constructed in accordance with the approved details with the roads completed prior to the occupation of the buildings which they serve.

REASON: To ensure the roads serving the development are constructed and completed to an appropriate standard.

23. No part of the development in each phase shall be occupied until the internal access roads within that phase have been constructed to at least base course level.

REASON: To enable suitable access to the parts of the site under construction.

24. No part of the development shall be occupied until the pedestrian links and public footpath crossing the site have been upgraded to adoptable standards.

REASON: to ensure that staff accessing the site have access options which support sustainability

25. As part of the first reserved matters application relating to layout details of a scheme to accommodate a minimum of 7 HGV lay over bays within the site for public use with associated signs and markings shall be submitted to and approved in writing the Local Planning Authority.

These shall be constructed in accordance with the approved details and made available for use prior to the first occupation of any of the buildings hereby approved.

REASON: to mitigate for the loss of the existing HGV parking on the A59

26. As part of the first reserved matters application for each phase of the development full details of the car, secure covered cycle, motorcycle and electric vehicle charging point parking spaces shall be submitted to the Local Planning Authority.

The parking shall be implemented prior to the first occupation of any building to which it is associated and maintained thereafter for as long as the development is occupied.

REASON: to ensure that sufficient parking is provided for each building constructed.

27. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise a phased programme beginning with a geophysical survey with further phases of evaluation and mitigation works as indicated by the results of the previous phase. This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists ([www.archaeologists.net](http://www.archaeologists.net)). A digital copy of the report and the photographs shall be placed in the Lancashire Historic Environment Record prior to the dwelling consented being first occupied.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.

28. No removal of vegetation including trees or hedges shall be undertaken within the nesting bird season (1st March - 31st August inclusive) unless a pre-clearance check on the day of removal, by a licenced ecologist, confirms the absence of nesting birds. A letter from the ecologist confirming the absence of nesting birds shall be submitted to the Council within one month of the pre-clearance check being undertaken.

Any removal of vegetation outside the nesting bird season shall be preceded by a pre-clearance check by a licensed ecologist on the day of removal to ensure that removal does not result in unacceptable impacts upon nesting birds or other species of conservation concern.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds, to protect the bird population and species of importance or conservation concern from the potential impacts of the development.

### **INFORMATIVES:**

Note: Construction Management Plan.

- There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- Vehicles must only access the site using a designated vehicular access point.
- There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
- A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary, this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk)
- All references to public highway include footway, carriageway and verge

### **Note**

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the contact the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780, or email [developer@lancashire.gov.uk](mailto:developer@lancashire.gov.uk). The granting of planning permission does not entitle the closure of or obstruction to a public right of way.

### **Ordinary Watercourse (Land Drainage) Consent**

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected prior to the issuing of consent.
- Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
- Applications to culvert an existing open ordinary watercourse will generally be refused.
- Enforcement action may be taken against unconsented work.

For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays.

You should contact the Flood Risk Management Team at Lancashire County Council to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

### **Informative 02 Appropriate Legal Agreement**

The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principle agreement(s) should be submitted to the Local Planning Authority.

### **BACKGROUND PAPERS**

[https://webportal.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2022%2F0781](https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F0781)

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

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meeting date: THURSDAY, 1<sup>ST</sup> DECEMBER 2022  
 title: RIBCHESTER PLANNING OBLIGATION  
 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 release Section 106 contributions to Ribchester Playing Field Trust to facilitate improvement works at the playing field

### 2. BACKGROUND

2.1 When full planning permission was granted to convert the Newdrop into five dwellings (ref: 3/2020/0215) the associated Section 106 Agreement including the following:

#### **Off Site Leisure Contribution**

"Off Site Leisure Contribution" means a sum of £3,101.67 payable for Off Site Leisure facilities calculated by reference to the number of bedrooms of a Dwelling.

#### **Plan**

2.2 The contribution was received on 4<sup>th</sup> October 2022.

2.3 In Ribchester the Ribchester Playing Field Trust (registered charity number 521297) is responsible for the equipment and facilities at the playing field.

### 3. PROPOSAL

3.1 The Trust have confirmed that their immediate focus has been on the replacement of the old (and in many cases rotting) wooden picnic tables and benches with ones made from recycled plastic. This year they have managed to do half of this at a cost of almost £4000 and have been seeking options to undertake the remainder of the replacements. The picnic tables and benches are an important element of this area of leisure space.

3.2 Whilst Ribble Valley Council's Contract Procedure Rules, for a scheme of this value, do not require written quotations at least two written quotes for the work were requested as the value at that stage was unknown. The Trust have obtained and provided two quotes to replace the remaining rotting wooden benches and tables on Ribchester Playing Field with ones made from recycled plastic.

3.3 The quotes are for 'Supply only' as the Trust has tradesmen who are prepared to volunteer their time to fit the furniture. The Trust's preference is for the 'Glasdon' range, as this would match the furniture already replaced. The quote is for £4,254.16 excluding VAT.

### 4. RISK ASSESSMENT

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

- Resources – The £3,101.67 commuted sum was received by the Council in October 2022 and as such there are existing sufficient funds for part of the project.
- Technical, Environmental and Legal - The project would accord with the stipulations of the legal agreement.
- Political - N/A
- Reputation - The provision of improved play facilities in Ribchester is a benefit to the Village and accords with the purpose of securing such contributions as part of new residential developments.
- Equality and Diversity - N/A

5. **RECOMMENDED THAT Committee**

- 5.1 Authorise payment of £3,101.67 to Ribchester Playing Field Trust, for the completion of the playing field improvements set out within paragraph 3.2, on completion of the works.



NICOLA HOPKINS  
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

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

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meeting date: 1 DECEMBER 2022  
title: PLANNING ENFORCEMENT UPDATE  
submitted by: CHIEF EXECUTIVE  
principal author: HEAD OF LEGAL AND DEMOCRATIC SERVICES

### 1 PURPOSE

1.1 To provide committee with an update on planning enforcement.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Other Considerations - }

### 2 BACKGROUND

2.1 As the Local Planning Authority, the Council has responsibility for planning enforcement. At Ribble Valley Borough Council this function sits within Legal Services with the officers working closely with the planning officers to determine what action should be taken in individual cases.

2.2 The Council's Planning Enforcement Policy 2022-2025 was approved by this Committee in November 2022. The policy states that the Council will report to Committee on a quarterly basis on enforcement matters so that members and the public are aware of the work which is ongoing.

### 3 ISSUES

3.1 Between 11 August 2022 and 10 November 2022, the Council received 61 new complaints. The Planning Enforcement Policy sets out how complaints will be categorised and how resources will be prioritised. The categories are:

***"Priority 1 (High)***

*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)**

*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)**

*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."*

3.2 The 61 new complaints fell into the following categories:

- Priority 1 – 1
- Priority 2 – 12
- Priority 3 – 48

3.3 The Council also had a substantial number of ongoing matters which have also continued to be dealt with in this period. The Council takes a stepped approach to enforcement and so these complaints were all investigated. Weekly meetings take place between legal and planning officers to discuss new matters so that an agreed approach can be implemented quickly. Monthly meetings also take place at which all outstanding matters and the progress made is assessed and matters are moved on efficiently.

3.4 Planning Enforcement is discretionary, and the Council will not take action unless it is expedient to do so. Once matters have been investigated it may be therefore that it is found that there is no breach or that it is not expedient to take any action. Those matters are closed, and no further action is taken. 22 matters have been closed with no further action during this period.

3.5 For those where action is required, it may be appropriate to invite a planning application to be made to regularise the position and so that it can be fully assessed. If refused an applicant has a right of appeal to the Planning Inspectorate. Applications have been submitted in respect of 5 matters during this period. The remaining outstanding cases are ongoing with some further applications forthcoming.

3.6 As set out above and in line with government guidance, the Council seeks to work with and negotiate with the public. However, in some cases this is not forthcoming, or is not appropriate. As a result, in those investigations, the Council has taken significant formal action and has served the following formal notices:

- Planning Contravention Notices – 11
- Enforcement Notices – 0 (one to be served imminently)
- Breach of Condition Notice - 0
- Temporary Stop Notices – 0

The Council has an ongoing prosecution relating to demolition of a listed building. This matter continues to progress through the magistrates' court.

#### 4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – The increase in planning enforcement officer resources has significantly increased and improved the volume and pace of enforcement.
- Technical, Environmental and Legal – The approach taken to planning enforcement accords with government guidance
- Political – No implications
- Reputation – Improved resources in this area will enhance the Council's reputation
- Equality & Diversity – The Council complies with its equality duties when carrying out planning enforcement.

#### 5. CONCLUSION

5.1 Note the contents of this report.

MAIR HILL

MARSHAL SCOTT

HEAD OF LEGAL AND DEMOCRATIC SERVICES

CHIEF EXECUTIVE

BACKGROUND PAPERS

<https://www.ribblevalley.gov.uk/downloads/file/3279/planning-enforcement-policy-2022-2025-v1>

For further information please ask for Mair Hill, extension 4418

REF: MJH/Planning Committee/1 December 2022

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## Appeal Decision

Site visit made on 22 November 2021

**by David Fitzsimon MRTPI**

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

**Decision date: 9th December 2021**

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**Appeal Ref: APP/T2350/D/21/3277393**

**4 King Henry Mews, Bolton by Bowland, Clitheroe, Lancs BB7 4HR**

- 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 Andrew Burcher against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/0208, dated 22 February 2021, was refused by notice dated 20 April 2021.
  - The development proposed is a single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect of the proposed extension on the character and appearance of the host dwelling and its setting.

### Reason

3. The appeal relates to a mid-terrace dwelling. It sits within a row of dwellings created by the conversion of what I understand to have been a former stable block. It sits within a courtyard which enjoys a rural setting and the quality of the landscape is recognised by its designation within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).
  4. The proposal seeks to add a single storey extension to the rear elevation of the host dwelling. It would cover about half of the rear elevation at ground floor level and it would project some 4 metres rearwards. Although the extension would be finished in stone under a slate roof, the end gable would be predominantly glazed whilst a large set of bi-folding doors would dominate the south-west side elevation. This design approach would give the extension a very modern and domestic appearance.
  5. In my experience, most if not all schemes involving the residential conversion of a rural building introduce some domestic features including windows and doors, rooflights and domestic boundary treatments; whilst an array of domestic paraphernalia is often subsequently found within the private amenity areas. This is the case with this conversion scheme, with new openings, chimneys and conservation style rooflights added. Nevertheless, the conversion appears to
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have been undertaken in a broadly sympathetic manner and the origins of the building remain clear.

6. To my mind, the extent of rearward projection and the modern design of the proposed extension, which includes the extensive use of glazing, would not respond well to the lateral form, traditional detailing and proportions of the original building. I note that the extension would be partially screened by the tall boundary walls which provide privacy to the patio areas of some of the dwellings within the row. Nevertheless, it would be readily visible from the open land to the south, from where it would be viewed as an overly prominent and unsympathetic addition.
7. Policy DMH5 of the adopted Ribble Valley Core Strategy 2008-2028 (CS) allows for domestic extensions which are capable of being integrated into the main dwelling and comply with policy DMG1. This policy requires development to be of a high quality design that considers its context. The Council argues that policy DMH4 of the CS, which relates to residential conversions, is relevant. This policy explains that conversion of barns and other buildings to dwellings will only be permitted if the buildings are structurally sound and capable of conversion for the proposed use without the need for extensive building or major alteration and they are of a sufficient size to provide necessary living accommodation without the need for further extensions which would harm the character and appearance of the building. However, I understand the conversion scheme took place in 1992 or thereabouts and predates this policy.
8. The Appellant asserts that a historical map from 1909 shows a range of minor additions along the rear of the former stable block, forming part of a cluster of buildings. However, these buildings are no longer present and no details relating to their appearance have been provided to me. On this basis, it is not possible to assess with any degree of accuracy whether or not the historical significance of the rear elevation of the building has been diminished by their absence. In any event, this factor does not justify the introduction of a structure which would not respond well to the form and character of the building as it stands today.
9. The Appellant also refers to an extension which has been added to No. 1 King Henry Mews. Whilst I do not know the precise planning circumstances behind this addition, its size and shape is very different to the proposal before me and therefore is not directly comparable.
10. For the above reasons, and despite an absence of any formal objections from nearby residents, I conclude that the proposed extension would harm the character and appearance of the host dwelling and its setting within the AONB. In such terms, it conflicts with policies DMG, DMH5 and Key Statement EN2 of the CS, which promote high quality design that considers its context.
11. The arguments advanced by the Appellant do not outweigh this harm and policy conflict therefore the appeal does not succeed.

*David Fitzsimon*

INSPECTOR



## Appeal Decision

Site visit made on 20 September 2022

**by R Morgan BSc (Hons) MCD MRTPI**

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

**Decision date: 21 October 2022**

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**Appeal Ref: APP/T2350/W/22/3294050**

**Scriddles Croft, Smalden Lane, Grindleton, CLITHEROE, BB7 4RX**

- 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 & Mrs David Towler against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/0648, dated 17 June 2021, was refused by notice dated 2 September 2021.
  - The development proposed is change of use of land to tourism, including the siting of a shepherd's hut for use as holiday accommodation with associated outdoor space, car parking and alteration of vehicle access.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of land to tourism, including the siting of a shepherd's hut for use as holiday accommodation with associated outdoor space, car parking and alteration of vehicle access at Scriddles Croft, Smalden Lane, Clitheroe, BB7 4RX in accordance with the terms of the application, Ref 3/2021/0648, dated 17 June 2021, subject to the attached schedule of conditions.

### Procedural Matters

2. At the time of my visit, the submitted plans had not been fully implemented but the shepherd's hut and outdoor space were already in place, along with the access track and car parking area. I have therefore treated the proposal as being partly retrospective.
3. The site is within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). In accordance with paragraph 176 of the National Planning Policy Framework (the Framework), I have given great weight to conserving and enhancing landscape and scenic beauty of the AONB.

### Main Issue

4. The main issue is the effect of the development on the character and appearance area.

### Reasons

5. The appeal site is located within an attractive upland area with wide open views towards Pendle Hill and the Bowland Fells. The landscape is one of pasture and open moorland, with scattered individual and small groups of trees. Field boundaries are formed of dry stone walls with hedges in places. Built

- development in the area is generally sparse, and limited to isolated farms and small clusters of rural buildings.
6. The area is identified within the AONB Character Assessment as Rolling Upland Farmland, which is described as displaying a strong sense of remoteness, isolation and tranquillity across much of the area, with limited capacity to accommodate change.
  7. The appeal site is located at the edge of a modest sized, roughly rectangular field used for grazing, which forms part of Scriddles Farm. The field, which is on the other side of Smalden Lane from the main group of farm buildings, slopes downhill as far as a narrow lane and a small group of rural buildings. Whilst the wider area displays the characteristics described within the Character Assessment, the position of the appeal site itself, between the barns of Scriddles Farm above and the group of dwellings below, means that it does not feel remote or isolated.
  8. The shepherd's hut is a one bed unit designed to provide holiday accommodation for one or two people. Policy DMB3 of the Ribble Valley Core Strategy 2004 supports proposals that extend the range of tourism and visitor facilities, subject to a number of criteria. Within the AONB, the policy states that proposals should not introduce development into an area largely devoid of structures. However, owing to the presence of the nearby buildings, that is not the case here.
  9. Policy DMB3 also requires that development is physically well related to an existing group of buildings. The appellant has explained that siting the accommodation too close to the farm buildings would introduce conflict with the farm operations, so the shepherd's hut is sited on the other side of the lane, some 60m from the existing group of buildings at Scriddles Farm. Despite this distance, the position of the development close to the existing field gate and immediately opposite the main entrance to Scriddles Farm, reduces the impression of visual separation between the shepherd's hut and the main farm buildings.
  10. The development is accessed via the pre-existing field gate, immediately opposite the access to the main farm buildings. The access track has already been improved to facilitate the use, with stone chippings laid on the track and parking area. Whilst the pale colour of the hardcore can appear somewhat stark when initially laid, I could see at my visit that it was already starting to soften, with grass growing through the track, and the visual impact will continue to reduce over time.
  11. The shepherd's hut itself is of a very modest size, and the associated area of decking is also small. Whilst the concept of a timber shepherd's hut may be somewhat contrived, it is of a simple design which does not appear out of place in this rural setting. The use of timber is not unusual on buildings in this location, and the grey colour of the cladding and corrugated roof blend in well with the surrounding stone walls, buildings and fences. As a result, the structure appears innocuous and does not stand out in the landscape.
  12. The visual impact of the development is further reduced through its siting close to the edge of the field, the boundary of which is defined by a strip of mature trees and shrubs. This vegetation provides effective screening, so when approaching from the north along Smalden Lane, the development is not

- readily visible. When approaching along Smalden Lane from the south, the landform and vegetation along the hedgerow means that the development can only be seen in very near views. Even then, the modest scale of the hut, together with its position, set back from the road and at a lower level, means that the development appears unobtrusive.
13. I acknowledge that the development is clearly visible from the footpath which runs immediately adjacent. However, it is not unattractive and its small scale means that the impact is short lived and limited in extent. Proposed tree and hedgerow planting would provide increased screening which would further reduce this impact.
  14. At the top of the field, the tree-lined boundary curves away from the field gate, and as part of the scheme, additional tree planting is proposed in this area. This would augment the existing area of woodland along the field boundary and would further help in assimilating the development into the landscape. As a result of this proposed tree planting, the proposed hedgerow in front of the access and hut would appear closer to the field edge. This would reduce the extent to which the hedgerow planting would appear as an unnatural incursion into the field, a concern expressed by the Council.
  15. In order to provide acceptable visibility splays, the submitted plans show that entrance would be widened and the initial 5m section tarmacked. Whilst there would be a visual impact associated with this, it would be a modest change to the existing access, which would be viewed in the context of the access to the farm opposite.
  16. Overall, I find that the visual impact of the development is very limited in extent, and would be further reduced by the proposed planting. The development represents a change to the appeal site, but it is not harmful to the character and appearance of the area.
  17. In coming to this view, I am also mindful of the wider benefits that the proposal brings, particularly in supporting the existing farm business. As a large working upland farm of some 350 acres, Scridbles Farm has an important role to play in maintaining the landscape, through the upkeep and repair of dry stone walls and traditional buildings, as well as the management of grazed fields and moors. The AONB is a managed landscape, and these tasks form a critical aspect conserving and protecting the AONB. However, the cost to a large farm such as this is not inconsiderable.
  18. The appellant has explained the challenges facing the farm in some detail, in particular the uncertainty over future subsidies and grants. The farm relies on additional income to supplement the core business, and the loss of direct subsidies means that it needs to diversify in order to remain profitable. The shepherd's hut provides a reliable source of additional income which helps sustain the farm, allowing it to continue to manage the wider landscape of this part of the AONB. In this regard, I find the appellant's case compelling.
  19. I conclude that the development does not cause undue harm to the character and appearance of the area. Furthermore, the revenue from the use sustains the existing farm business, which plays an important role in protecting and conserving the qualities for which the AONB has been designed. As such, the proposal is consistent with Core Strategy Key Statement EN2 and Framework paragraph 176. It complies with the design and access requirements contained

in Policy DMG1, and provides for small scale tourism appropriate for a rural area, as allowed for by Policy DMG2. The specific requirements for recreation and tourism development contained in Policy DMB3 are met.

### **Conditions**

20. As the development is largely completed, it is not necessary to impose a condition requiring implementation within a specific timescale. However, in the interests of certainty, a condition specifying plans is required.
21. A condition requiring details of proposed planting is needed in the interests of visual amenity. I have used the Council's suggested wording, but removed references to hard landscaping, as these elements are already in place. Because the development has already been largely completed, I have inserted a clause to ensure compliance with the required landscaping scheme. To protect the rural character of the area, a condition restricting floodlighting is also required.
22. I have imposed a condition restricting the use to holiday accommodation. This is needed to ensure that the proposed huts are not used as a permanent residence, which would be unacceptable in this location. In order to monitor the proposed use, a register detailing all occupiers is necessary, and I have imposed a suitable condition.
23. Should the approved use cease, a condition requiring removal of all structures and equipment is necessary to safeguard the character and appearance of the area.
24. In the interests of highway safety, a condition is necessary which requires implementation of the approved access arrangements prior to occupation of the shepherd's hut. As the hut has already been in use, I have altered the Council's wording slightly to reflect this. For similar reasons, a condition is needed which restricts the installation of any gates or bollard which might cause an obstruction to the access.

### **Conclusion**

25. Subject to the conditions, the proposal complies with the development plan. For the reasons set out, the appeal is therefore allowed.

*R Morgan*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Location plan: 21-047 PL/01 rev A
  - Proposed site plan: 21-047 PL/03 rev C
  - Proposed floor plan: 21-047 PL/04 rev C
  - Proposed elevations: 21-047 PL/05 rev A

- 2) Notwithstanding the submitted details, details of the soft landscaping of the site shall be submitted to the local planning authority no later than three months from the date of this decision. The scheme shall include details of the types and numbers of trees and shrubs and their distribution on site.

Unless the approved landscaping scheme shown is implemented by the end of the first planting season following the agreement of such details, the use of the shepherd's hut shall cease and all equipment and materials brought onto the land for the purposes of the use shall be removed until such time as the approved landscaping scheme has been implemented.

The approved landscaping scheme shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

For the avoidance of doubt all trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

- 3) Notwithstanding the provisions of Town and County Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) no floodlighting or any other external lighting shall be installed at the site.
- 4) The shepherd's hut hereby approved shall be occupied for holiday purposes only. The accommodation shall not be occupied by any persons for a continuous period exceeding 28 days in any calendar year or as permanent residential accommodation or as a person's main place of residence.

A register of occupancy of the shepherd's hut, to include the names and addresses of all occupiers and their arrival and departure dates, shall be kept by the owners/operators of the site and shall be made available at all reasonable times for inspection by officers of the local planning authority.

- 5) Should the approved hut at any time cease to be used for holiday purposes as defined within the submitted details and condition 4, then all structures shall be removed and the site reinstated to its original condition in accordance with a methodology and timings to be agreed with the local planning authority.
- 6) Further occupation of the shepherd's hut shall not take place until such time as the access arrangements shown on drawing PL03 rev C have been implemented in full.
- 7) Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

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## Appeal Decision

Site visit made on 13 September 2022

**by A Veevers BA(Hons) PGDip (BCon) MRTPI**

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

**Decision date: 21<sup>st</sup> October 2022**

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**Appeal Ref: APP/T2350/W/22/3297902**

**Pendle View, Lovely Hall Lane, Copster Green BB1 9EQ**

- 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 Mike Melville against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/1155, dated 9 November 2021, was refused by notice dated 25 March 2022.
  - The development proposed is conversion of 2 no. holiday lets into 1 no. dwellinghouse.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Notwithstanding the description in the banner heading above, it is clear from the documents and plans submitted that the proposal also includes external extensions and alterations. The Council assessed the scheme on this basis and so have I.

### Main Issue

3. The main issue is whether the appeal site is suitable for the proposed development, with particular regard to the local housing/development strategy and accessibility to services/facilities.

### Reasons

#### *Location for housing*

4. Key Statement DS1 of the Ribble Valley Core Strategy 2008-2028 (CS) sets out the distribution strategy and settlement hierarchy for development in the area. The appeal site lies within a Tier 2 settlement of Copster Green, where development is required to meet a proven local need or deliver regeneration benefits. Key Statement DS2 underlines the Council's positive approach to sustainable development. Policy DMG2 of the CS aims to support the above strategic and spatial considerations and states that development within Tier 2 settlements should meet at least one of a number of criteria.
5. The strategic statements and policy referred to above make no differentiation between proposals for new build residential development or conversions to dwellings. They comprise the Council's main policies for focusing areas of, amongst other types of development, housing growth. Even though the proposal would only create one dwelling and the site is brownfield land, it would be located in a Tier 2 settlement and would not be for a proven need or

regeneration benefit, nor meet any of the considerations listed in Policy DMG2. Therefore, the proposal would conflict with these policies.

6. There is no dispute that the site is located within the defined settlement boundary of Copster Green. However, the absence of any local services would require residents to travel outside the settlement for even basic needs. The site is close to the A59, a main road which includes footways and bus stops and, although I noted there was no footway between the site and the A59, it is recognised that this main road provides access to larger urban settlements that would provide a variety of forms of transport. However, I have limited evidence before me regarding the frequency of the bus services along the main road and residents would be largely dependent upon the private car to access day to day services.
7. I acknowledge that there is generally a greater reliance on private cars in more rural areas and there are already a number of residential properties a similar distance from services and facilities. Furthermore, additional residents in one settlement can help support services and facilities in another. Nonetheless, there would be a lack of travel choices available for occupiers of the proposed dwelling and their visitors to be able to access these services.
8. I recognise that the current use of the property for two holiday lets is likely to already result in trips by private car to access and support services in nearby areas. However, there is no indication to suggest that the use of the property as a dwelling would result in a reduction in vehicular trips. Indeed, it would be likely that more journeys would be made on a daily basis by occupiers of a dwelling travelling to work, school and for other services. In addition, use as a permanent dwelling would likely increase the number of deliveries and visitors which would not be likely from holiday lets.
9. Key Statement DM12 and Policy DMG3 state that new development should be located to minimise the need to travel. The proposed development would undermine this strategic aim by directing residential development, albeit only one dwelling in an existing building, to a location with limited access to different modes of transport.
10. Policy DMH4 is a development management policy which supports the overarching development strategy of the CS relating to the conversion of buildings to dwellings. It sets out a number of criteria that should be complied with for such proposals. The only criterion which is disputed by the main parties relates to the requirement for the building to have had a genuine history of use for agriculture or another rural enterprise.
11. Evidence indicates that the property was formerly a dwelling and subsequently partly used as a café and then as a children's day nursery. Although planning permission was granted for a change of use to two dwellings in 2000, this permission was not implemented. It is currently holiday let. Therefore, on the basis of the information presented to me, the property has not been used as a dwelling for a number of years, and not since the adoption of the CS or NPPF<sup>1</sup>.
12. In the absence of a definition of rural enterprise in the CS, I consider the existing holiday let business to be a commercial enterprise which is located in a rural settlement. As such, I consider that it would meet such a requirement.

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<sup>1</sup> National Planning Policy Framework

13. Therefore, the site would not be in a suitable location for housing with regard to accessibility, in conflict with Key Statements DS1, DS2 and DM12 and Policies DMG2 and Policy DMG3 of the CS which seek to locate development where the need to travel is minimised.

### **Other Matters**

14. My attention has been drawn to the matter of precedent. I am dismissing the appeal on its own merits because it is contrary to the CS. Any future cases would be assessed on the evidence and policies at that time.

15. The appeal<sup>2</sup> referred to by both parties relates to the erection of nine dwellings outside the settlement boundary and is therefore not directly comparable to the appeal before me.

16. I note that the planning application boundary excludes the proposed rear garden area adjacent to Homestead. However, as I am dismissing the appeal on the main issues above, I have not pursued this matter further.

### **Conclusion**

17. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

18. For the above reasons, I conclude that the appeal should be dismissed.

*A Veivers*

INSPECTOR

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<sup>2</sup> APP/T2350/W/15/3134524

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## Appeal Decision

Site visit made on 18 October 2022

by **R Hitchcock BSc(Hons) DipCD MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25 October 2022**

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**Appeal Ref: APP/T2350/W/22/3303913**

**5 Hawthorn Close, Langho, Blackburn BB6 8DZ**

- 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 John Aspin against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2022/0506, dated 23 May 2022, was refused by notice dated 21 June 2022.
  - The development proposed is the regularisation of unauthorised change of use of agricultural land to residential curtilage. Resubmission of 3/2022/0049.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The development described has already taken place. Accordingly, I shall deal with the proposal as one under s73A of the Act for development already carried out.

### Main Issues

3. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies
  - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Green Belt*

4. The Government attaches great importance to Green Belts; the essential characteristics of Green Belts are their openness and their permanence. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Policy EN1 of the Ribble Valley Borough Council – A Local Plan for Ribble Valley 2008-2028 [2019], (the RVLP), clarifies that the overall extent of the Green

Belt will be maintained in the borough to safeguard the surrounding countryside from inappropriate extension.

6. Paragraph 150 of the Framework lists certain forms of development which are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 150 d) includes material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). However, the change of use of land for residential purposes is not supported as an exception.
7. The use of the land extends the manicured domestic garden area into a previously rough grassed agricultural field. This forms part of a distinct and contrasting rural landscape when compared to the developed character of Hawthorn Close and the adjacent length of Whalley Old Road. The annexing of the land for residential use is in conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment<sup>1</sup>. Accordingly, it falls outside of any of the listed exceptions in Paragraph 150 of the Framework and thereby constitutes inappropriate development.
8. In addition to the harm arising from inappropriateness, there is some loss of spatial and visual openness arising from the presence of a domestic building, an enclosed storage area, a pergola and introduced hard surfacing. Some of these aspects of the development are visible from parts of Hawthorn Close, Whalley Old Road and, to a more limited degree, a footpath to the south.
9. As inappropriate development in the Green Belt, the change of use is contrary to Policy EN1 of the RVLP as it seeks to protect the Green Belt for its identified purposes. For similar reasons it conflicts with the Framework.

#### *Other Considerations*

10. In support of the proposal, the appellant refers me to the provisions of Policy DMH5 of the RVLP which relates to residential and curtilage extensions. However, its provisions are qualified by a requirement to accord with any relevant designations within which the site is located. In the context of a Green Belt area and my finding above, the provisions of Policy DMH5 are therefore disengaged. I therefore attribute it little weight.
11. I note the appellant's offer to remove existing structures placed on the land to reinstate its openness. Furthermore, such incursions could be prevented in future by the removal of permitted development rights if its use was conditionally approved. Their removal would enhance the openness of the site. However, as there is little before me to demonstrate that they currently have any lawful status, this is not a benefit in favour of the development. Although it could limit the harm to openness, it would not address the conflict with the purposes of including land within the Green Belt. It is therefore a matter of negligible weight in the appeal.
12. The appellant refers me to other changes of use that have taken place on the wider parcel of land to the south of the housing area. Of these, those which relate to agriculture and equine uses are not considered inappropriate in the Green Belt under the terms of Paragraphs 149 and 150 of the Framework. If associated extensions to garden areas subsequently or concurrently occurred,

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<sup>1</sup> Paragraph 138 c) of the Framework

these were not described within those permissions<sup>2</sup> and may not therefore benefit from planning permission or any lawful status. They are not therefore developments that lend support for inappropriate development.

13. A planning permission 3/2018/0275 granted by the Council relates to a domestic garage. However, there are also provisions for the extension of residential buildings in the Green Belt under Paragraph 149. This is not therefore a matter in favour of the appeal development.
14. The planning status of land alongside a neighbouring property at 6 Hawthorn Close is unclear. As there is limited clarification or demonstration that this area benefits from any lawful use status as a garden extension, it is not a good reason to find in favour of the use of the land at No5.
15. The appellant highlights that land previously forming part of the field was granted permission under application Ref. 3/2017/0136 is used as an extended garden area and domestic access to a property on Whalley Old Road. This land is, in part, contiguous with the appeal site. However, there is little information provided as to the detail of that proposal or the circumstances in which that decision was made. Elsewhere in the appellant's submissions, it is described as agricultural development. I am therefore unable to draw comparisons, or otherwise, to the appeal development. Accordingly, it is a matter to which I attribute limited weight.
16. In support of the proposal the appellant refers me to a condition of a family member which is assisted by opportunities for outdoor activity facilitated by the enlarged garden area. Having regard to those health circumstances and supporting documentation, I find the development could be beneficial to the health and development of that individual. However, it would duplicate opportunities elsewhere on the site – notably the existing rear garden area. It would not therefore be exclusively dependent upon it. Nevertheless, as a matter supported in Section 8 of the Framework, this is a significant benefit of the development.

### **Planning Balance and Conclusion**

17. The residential use of the land is inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The scheme is contrary to Policy EN1 of the RVLDP.
18. The considerations presented by the appellant, including the personal circumstances of a family member, whether taken singularly or cumulatively, do not outweigh the harmful effect of the development on the essential characteristics of the Green Belt. Consequently, the very special circumstances necessary to justify granting planning permission do not exist. The development would be contrary to the adopted development plan and the Framework read as a whole, and there are no other material considerations to indicate a decision otherwise than in accordance with it.
19. In exercising my function on behalf of a public authority, I have considered the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The Act sets out the relevant protected characteristics which includes age and disability. Since there is the potential for my decision to affect persons with

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<sup>2</sup> 3/2011/0055 and 3/2019/0355

protected characteristics, I have had due regard to the three equality principles set out in Section 149 of the Act. I have also had regard to rights conveyed within the Human Rights Act.

20. I have found that the negative impacts of dismissing the appeal will arise from the ability to provide extended outdoor garden space. However, having due regard to this, and to the need to eliminate discrimination and promote equality of opportunity, in my view the adverse impacts of dismissing the scheme on those with protected characteristics are not a strong justification for setting aside national and local policies with the legitimate aim of permanently protecting Green Belt land.
21. In doing so I am mindful that my decision would not prevent access or cultivation of the land which would provide much of the opportunities being sought. Nor would it prevent the use of the existing lawful garden area from providing open activity space, or supervised access to alternative outdoor space elsewhere.
22. For the above reasons, I conclude that the appeal should be dismissed, and this is a necessary and proportionate approach to the legitimate planning aim of permanently protecting Green Belt land.

*R Hitchcock*

INSPECTOR



## Appeal Decision

Site visit made on 6 September 2022

**by K Williams MTCP (Hons) MRTPI**

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

**Decision date: 7 November 2022**

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**Appeal Ref: APP/T2350/W/22/3300027**

**Garth Cottage Clitheroe Road, Mitton, Clitheroe BB7 9PH**

- 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 Ms Gwen Skillings and Mrs Jean Renwick against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2022/0387, dated 18 April 2022, was refused by notice dated 23 May 2022.
  - The development is described as 'change of use of one dwelling into two'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have used the description from the application form, as there is no evidence a change was agreed.
3. Garth Cottage was constructed as a detached, replacement, two-storey dwelling under planning approval no. 3/2012/0135, granted on 5 April 2012. The submitted details state that since its construction the dwelling has been occupied as two independent residential planning units, however there is no evidence of continued lawful use.

### Main Issues

4. The main issues is whether the site is a suitable location for housing having regard to the spatial strategy of the development plan, including whether there would be suitable access to local services and facilities.

### Reasons

5. Garth Cottage is a detached dwelling situated within a cluster of residential and agricultural buildings and close to holiday lodge accommodation within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The appeal site is directly accessed from the B6243, which is a classified road connecting Clitheroe to Longridge, which is unlit and has no pedestrian footways. The development would subdivide the existing dwelling to form two independent dwellings. The garden would also be subdivided, and parking provided for each property.
6. The Council sets out in Key Statement (KS) DS1 of the Ribble Valley Core Strategy 2008 -2028 (Core Strategy) that it seeks to direct new housing development towards the principal settlements, which include Clitheroe, and the smaller Tier 1 and 2 settlements. The Council sets out its approach to apply

the presumption in favour of sustainable development in KS D2, and as such I find no conflict with this latter requirement.

7. However, Policy DMG2 of the Core Strategy applies the strategic principles contained in KS DS1. Outside settlements, as here, small scale development appropriate to a rural area would be expected to be evidenced by local housing needs surveys and assessments. I have no evidence that there is a clear or outstanding need for the creation of a new residential unit. Although, I sympathise with the sensitivities requiring certainty for the appellants in the future, as approved, the drawings show there would be sufficient space for all occupants to reside comfortably within a single dwelling, because of the level of accommodation provided.
8. Policy DMH3 of the Core Strategy lists a number of types of development considered suitable for a rural location including within the AONB. This includes the conversion of buildings for housing, provided they are in a suitable location. Whilst the appeal development would re-use an existing building of permanent construction, it would not be a conversion. However, paragraph 80 d), of the National Planning Policy Framework (the Framework) states that an exception to approving isolated homes in the countryside is where this would involve the subdivision of an existing residential building. Although Garth Cottage appears close to other built development, it is my view that it is physically remote from any settlement, such that it should properly be considered as isolated in terms of paragraph 80 of the Framework.
9. The aims and objectives of KS DMI2 and Policy DMG3 of the Core Strategy seek to attach weight to development which have good access in terms of walking and public transport. It also seeks to locate new development to minimise the need to travel. Similarly, the Framework promotes sustainable transport within paragraph 104. Notwithstanding the support provided in the Framework in paragraph 80 d) the appeal site is located on a narrow road which has no footpath, cyclepath or streetlights. Verges are sparse, or hedgerows tend to abut the road. Whilst there are holiday lodges in the vicinity of the site, these appear to be private and there are few services or facilities.
10. I noted on my site visit that the routes from the appeal site would mean future occupants of the development would have to walk in the highway. In the evenings the routes would be unlit, these would not be very safe or attractive routes to use. It would therefore be likely to deter many occupants from walking or cycling to other settlements. Whilst I have considered the Framework within paragraph 105, that sustainable transport solutions will vary between urban and rural areas, I consider that due to the existing roadway infrastructure, and absence of nearby facilities that the vast majority of journeys would be undertaken by private motor vehicle.
11. A shared household is also more likely to share journeys for all manner of activities compared to two separate households with an increase in the reliance on private vehicles to access services, and as such I can differentiate between the intensities of the approved dwelling and the proposal. In any event, the Framework advocates the creation of places that promote social interaction and encourage walking and cycling, thereby helping to provide inclusive and safe places which support healthy lifestyles.
12. It has not been demonstrated that the appeal site is in reasonable proximity to food shops or other facilities such as schools, churches, or medical services,

necessary to meet day to day needs of the future occupiers. Nor has it been shown whether the development would support local services where there are groups of smaller settlements, as noted within paragraph 79 of the Framework. The appeal site does not, therefore, have good or suitable access to local services and facilities.

13. I therefore conclude that the site is not in a suitable location for housing having regard to the spatial strategy of the development plan, including whether the development would provide suitable access to local services and facilities. Consequently, it would be contrary to KS DS1, DMI2 and Core Strategy Policies DMG2, DMG3 and DMH3 insofar as they relate to rural housing and seek to attach weight to development which has good access in terms of walking and public transport and locate new development to minimise the need to travel. The proposal would also be contrary to the aims of the Framework where it seeks to promote sustainable transport.

### **Other Matters**

14. The policies within the Core Strategy pre-date the Framework, and paragraph 80 d) allows for the sub-division of dwellings. Accordingly, I find that the subdivision of the property meets the criteria within paragraph 80 d) of the Framework. However, the aims of the policies are consistent with the sustainable development aims of the Framework.
15. In relation to whether the proposed development is an isolated location, I have considered the Court of appeal ruling<sup>1</sup>, which states "...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand".
16. Although there are similarities with the appeal decision<sup>2</sup> referenced by the appellant, unlike the appeal development, the Inspector acknowledges that it is located on the edge of Wilpshire, a Tier 1 settlement. The Inspector for that appeal acknowledges local services can be accessed, referencing the availability of public transport 400m from the site. Whilst I noted bus stops in the vicinity of the appeal site, as previously noted, there is no pavement, the roads are narrow with very limited verge and unlit. I also have no substantive evidence regarding the proximity to the Tier 1 settlement or the availability of public transport in the area, or whether this is accessed on similar roads, which limits the weight which I can attach to it in my Decision.
17. The appeal site is also within the AONB where Paragraph 176 of the Framework states that great weight should be given to conserving the landscape and scenic beauty. The appeal building already sits adjacent to existing dwellings and has an established curtilage and hardstanding parking area. As such, there would be no intrusion of development into the surrounding countryside which is designated as an AONB. Nor would there be any harm arising from the access, or to neighbouring or future residents.
18. The appellants information references that originally on site there was 'two separate dwellings, a dwelling and a flat'. I have been referred to the location

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<sup>1</sup> Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

<sup>2</sup> APP/T2350/W/21/3285462

plan for 3/2012/0135. The drawings and application form for this application has also been provided. The application form in section 17) states the existing number of dwellings was 1. The location plan and drawings do not clearly delineate 3 properties, and I therefore do not have the evidence to attach weight to this.

### **Conclusion**

19. Although the proposal would make a small contribution to housing supply, and to the economy from future occupiers, this carries limited weight given the scale of the development. The absence of harm in respect of highway access and safety, character and appearance of the area, landscape impact, including upon the AONB and living conditions of future and neighbouring residents carries neutral weight.
20. Paragraph 80 d) of the Framework allows for the sub-division of dwellings in isolated locations, and the above policies pre-date the Framework. However, the proposed development would not provide good or suitable access to local services and facilities and there would be an over reliance on private motor vehicles. I afford significant weight to the conflict with the development plan policies which are consistent with the sustainable development aims of the Framework.
21. In accordance with S38(6) of the Planning and Compensation Act 2004 development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. There are no material considerations of such weight, including paragraph 80 d) of the Framework, to outweigh the harm which I have identified with regard to the main issue to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.
22. For the reasons given above I conclude that the appeal should be dismissed.

*K Williams*

INSPECTOR

## MINUTES OF THE DEVELOPMENT PLAN WORKING GROUP HELD ON MONDAY 10 AUGUST 2022 @ 2.30pm

**PRESENT:**

|                                 |  |
|---------------------------------|--|
| Councillor Alison Brown (Chair) | Colin Hirst – Head of Regeneration and Housing                 |
| Councillor Judith Clark         | Nicola Hopkins – Director of Economic Development and Planning |
| Councillor Richard Sherras      |  |
| Councillor Jim Rogerson         |  |
| Councillor Louise Edge          |  |
|                                 |  |

APOLOGIES – Received from Cllr S O'Rourke

**MINUTES OF LAST MEETING**

The minutes of the meeting held on 14 April 2022 were approved as a correct record.

Cllr Sherras asked for an update on Call for Sites – Colin reported that as part of the Reg 18 consultation, several new sites had been suggested that would be considered in due course.

**FEEDBACK ON LOCAL PLAN REG 18 CONSULTATION**

Colin reported that 109 responses had been received with a mixture of public, parishes and statutory consultees.

**Main points**

- Many parishes requested stringent control on development whilst promoting some development in villages
- Public asked that climate issues be considered and included
- Settlement strategy – hierarchy – Barrow should be recategorized
- Tourism is underrepresented in terms of economic asset / deliverer
- Concern about housing numbers – standard methodology not appropriate as supply will be reached fairly quickly – currently maintaining high levels of delivery
- Housing evidence
- Sport England objection to evidence – open space
- LCC – highways issues

**STAFFING UPDATE**

Colin gave an update on the current staffing within his section and the difficulties being experienced with appointing consultants to do specific pieces of work.

He informed members that the revised timetable could not be adhered to in that the Reg 19 consultation would be approximately 2 months behind schedule. However, work would continue as far as possible.

**CUERDALE GARDEN VILLAGE PROPOSAL**

The Council had been consulted on this application from South Ribble BC as a neighbouring authority. Colin had circulated a discussion note on the issues to be considered –

- Proposed in greenbelt
- Strategic route into RV – M6/A59
- 1300 houses plus employment sites, park & ride, outdoor recreational facilities and open space, a local centre and a two-form entry primary school.
- On RV boundary

He informed members that National Highways had issued a direction that SR must not determine the application before 8 December 2022.

He also advised that if RV supported the release of Greenbelt that it may set a precedent for us and may also increase development pressures on nearby parts of RV. The development may also affect our ability to strengthen our own economic development provision and be a diversion of investment.

It was noted that the greenbelt issue was a difficult one to overcome – has to be very special circumstances.

The following points were referred to

- EA objection about depletion of groundwater affecting farming businesses
- The land being high grade quality pastureland and displacing generations of farming families
- Financial implications for RVBC – loss of housing/economic development sites
- Affordable housing provision
- M6 junction not being adequate for extra traffic
- Environmental / economic impact for farming

Nicola reported that she and Colin had met with Turleys and Storey Homes and had raised their concerns with them. Our comments would be formally submitted and may be added to at a later stage. Colin reminded members that when considering the Local Plan review the 'duty to cooperate' would also give the opportunity to give our views.

As a planning authority, any views/comments/objections made should be sustainable, sound proper planning reasons – it was suggested these be greenbelt, highways, impact on local economy and potential harm to the environment.

**ACTION: Colin would prepare a report for Planning & Development committee to consider at their meeting on 25 August 2022.**

DATE OF NEXT MEETING

The next meeting would be scheduled for September 2022.

The meeting closed at 3.38pm

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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