



Appeal Decision

Site visit made on 21 June 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2021

Appeal Ref: APP/T2350/W/21/3270057

Roall Garth, Hesketh Lane, Chipping PR3 2TH

- 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 Samuel Pickering against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2020/1070, dated 11 December 2020, was refused by notice dated 7 January 2021.
 - The development proposed is the division of one house into two dwellings. No extension or increase in accommodation proposed.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site represents an appropriate location for housing, having regard to the relevant local and national planning policy for the delivery of housing.

Reasons

3. The host building is a detached dwelling located within the defined open countryside and outside the defined settlement boundary of Chipping. Having regard to the National Planning Policy Framework (the 'Framework'), the appeal site is not considered isolated due to the proximity to other dwellings and built development.
4. Key Statement DS1 of the CS sets out the settlement hierarchy which outlines the development strategy for the area. The second part of Policy DMG2 of the CS is engaged as the appeal site is located outside the defined settlement areas. This Policy sets out considerations which relate to the local economy or social wellbeing, need, tourism and enterprise zone designation. In order to comply with the Policy, the development must meet at least one of the considerations.
5. Policy DMH3 is also applicable to the development. This Policy relates to dwellings in the open countryside and sets out that development will be limited to a number of different circumstances.
6. The appellant has not provided any evidence to demonstrate that the proposal meets Policies DMG2 or DMH3 exception criteria. For example, there is no

- evidence that the new dwelling is essential to the local economy or social wellbeing of the area or the development meets an identified local need.
7. The appellant has drawn my attention to paragraph 79 of the Framework which seeks to avoid isolated homes in the countryside unless certain circumstances apply. Section d) of that paragraph allows for the subdivision of an existing residential dwelling. The appellant suggests that if the subdivision is allowed in isolated locations then it should be permitted in less isolated locations. The Framework is silent in terms of whether the subdivision is supported elsewhere.
 8. As stated above, I do not consider that the new dwelling would be isolated due to the site's proximity to other dwellings and therefore this paragraph is not applicable to the proposed development. Even if the intention of the Framework is that the circumstances also apply to non-isolated homes in the countryside, that would not mean that the provisions of the development plan and the Framework as a whole should be disregarded which collectively seek to promote sustainable development in rural areas.
 9. The location of the development in respect of access to services and facilities is also relevant to the appeal. Paragraph 78 of the Framework seeks to promote sustainable development in rural areas and states housing should be located where it will enhance or maintain the vitality of rural communities. The dwelling may, to a degree, support local services and facilities but there is no compelling evidence before me which demonstrates that the proposal would maintain or enhance community vitality.
 10. On my site visit I observed that there is no footway along this section of Hesketh Lane and the site is not located within walking distance to services and facilities. Thus, future occupiers would need transport to access other villages and towns to meet their day to day needs because the services and facilities within the surrounding area are extremely limited.
 11. The appellant has highlighted that there is a bus stop located close to the appeal site which provides a regular service to local villages and towns. Details regarding the frequency of the bus service has not been submitted. Hence, I am unable to fully determine whether buses would provide a viable mode of transport. In any event, although the distance to the bus stop is walkable, it is debatable whether future occupiers would use the bus service, particularly in winter months, due to the lack of a footpath and limited street lighting.
 12. Based on the evidence presented, even in the context of the rural area in which the site is located, the availability of sustainable transport options is limited and unsuitable in comparison to more appropriate locations. The scheme is likely to result in unsustainable travel patterns, due to the distance to services and facilities, and a reliance on the use of a private car.
 13. The appellant, in their planning statement, states that there are precedents for the subdivision of sites and dwellings within the immediate area. However, the Council highlight that the application in question is not comparable to this development because it related to a former business premises and that proposal met the exception test.
 14. For these reasons, the proposed development would not represent an appropriate location for housing, having regard to the relevant local and national planning policy for the delivery of housing. Accordingly, it would be

contrary to Key Statements DS1, DS2, DM12 and Policies DMG2, DMG3 and DMH3 of the CS. These Policies seek, amongst other matters, to promote sustainable development and to protect the open countryside. Furthermore, the scheme would not comply with the Framework which seeks to promote sustainable development in rural areas.

Planning Policy

15. The appellant states that the Ribble Valley Borough Council Core Strategy 2008 – 2028: A Local Plan for Ribble Valley (2014) (CS) is six years old and not an up-to-date plan as it does not accord with the Framework. Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework.
16. Based on the evidence before me, I consider that the most important policies to this proposal are: Key Statements DS1, DS2 and DM12 and Policies DMG1, DMG2, DMG3 and DMH3 of the CS. Whether development plan policies are considered out-of-date in terms of paragraph 11(d) of the Framework will depend on their degree of consistency with its policies.
17. Whilst Policies DMG2 and DMH3 do not explicitly refer to the subdivision of dwellings, they are relevant to new dwellings outside the defined settlement areas. I consider that these policies are broadly consistent with the Framework because they seek to promote sustainable rural development and recognise the intrinsic character of the countryside. I also find no significant conflict between the objectives of the Framework and Key Statements DS1, DS2 and DM12, Policies DMG1 and DMG3 of the CS.
18. Overall, I consider that the basket of most important policies is not out-of-date in this case and therefore paragraph 11(d) of the Framework is not engaged.

Other Matters

19. I have had regard to the benefits of the proposal, including that it would provide a new home and also create a smaller dwelling for the current occupiers. This benefit carries very limited weight given the small scale of the development and there is no evidence to demonstrate that the Council is unable to demonstrate a five year supply of deliverable housing sites.
20. The appellant has also highlighted that the scheme would not have a visual impact on the area as it does not extend the existing building, would make efficient use of a brownfield site in line with chapter 11 of the Framework and there have been no objections from consultees. Any avoidance of harm in these respects, lack of objections and compliance with part of the Framework do not amount to a positive consideration in support of the appeal.
21. The Council has ticked on the appeal questionnaire that the site is located within an Area of Outstanding Natural Beauty (AONB). Given that external alterations would be limited, the proposal would conserve the natural beauty of the AONB. Based on the evidence provided, I note that the Council consider that the proposal would not have an unacceptable effect upon the AONB. However, this is a neutral consideration and does not weigh in favour of the appeal.

Conclusion

22. As set out above, I conclude that the appeal site is not a suitable location for new housing, having regard to local and national planning policy for the delivery of housing. Any benefits associated with a single dwelling would be small. The benefits in that respect do not outweigh the deficiencies that would arise as a result of the conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
23. For the reasons given above the appeal should be dismissed.

L M Wilson

INSPECTOR