



# Appeal Decision

Site Visit made on 28 September 2021

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

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

**Decision date: 27 October 2021**

**Appeal Ref: APP/T2350/W/21/3278694**

**Lea Barn, Four Acre Lane, Preston PR3 2TD**

- 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 Malcolm Hayhurst against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/0098, dated 27 January 2021, was refused by notice dated 8 March 2021.
  - The development proposed is the conversion of a barn to a residential dwelling and associated works.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.

## Main Issues

3. The main issues are:
  - The effect of the proposed development on the character and appearance of the area, including the Forest of Bowland Area of Outstanding Natural Beauty (AONB); and
  - Whether the site is an appropriate location for the proposed development having regard to the development strategy of the area and accessibility to local services and facilities.

## Reasons

### *Character and Appearance*

4. The appeal relates to a detached stone barn that is situated in a prominent location close to the junction of the Four Acre Lane and Elm Brow. Although there are a few other traditional stone buildings in the locality, these are sporadically sited, and the surrounding area is rural, and dominated by open fields and agricultural land. The appeal site is also located within the Forest of Bowland AONB.

5. Policy DMH4 of the Ribble Valley Borough Council Core Strategy 2008-2028: A Local Plan for Ribble Valley 2014 (CS) relates to the conversion of barns and other buildings to dwellings. It sets out a list of criteria which must be met, including, amongst other things, that the building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of an already group of buildings, and that its character and materials are appropriate to its surroundings and the building.
6. I note that the Council has not found the external alterations to the building to be objectionable and I have no reason to disagree. Nonetheless, the site itself is generally open and clearly visible within the landscape and from the Four Acre Lane and Elm Brow highways. As a result of these factors, and its distance away from other properties, the barn does not form part of a settlement or existing group of buildings, and for the purposes of Policy CS DMH4 I consider that it is isolated in the landscape.
7. I appreciate that the area of proposed domestic curtilage to the south west of the building would be reduced when compared to the barn's existing curtilage. Nonetheless, I am mindful that the proposed curtilage would protrude further into and significantly reduce the openness of the field to the north east of the site, which is adjacent to the hedgerow boundary along Four Acre Lane, the existing timber gate, and the proposed vehicular access into the site.
8. The hard surface of the proposed driveway/parking area in combination with likely introduction of domestic paraphernalia such as boundary treatment, parked cars, sheds, washing lines, outdoor furniture and children's play equipment would represent an unwarranted urban encroachment that would erode the agricultural character of the site.
9. I appreciate that the proposed lawn and driveway would be sited to the eastern side of the existing building, which would screen some views of them from Elm Brow. Nonetheless, given the appeal site's close proximity to Four Acre Lane and the partially open nature of the roadside boundaries the discordant effect of the proposal on the open rural character of the area would be plainly visible from in between gaps in the hedgerows, through the nearby railings and the opening for the angled vehicular access and gateway into the site.
10. When viewed in the context of its open, agricultural surroundings, and from the nearby roads, the domestic appearance of the site would therefore be harmful to the landscape character and scenic beauty of the AONB.
11. As such it would conflict with Key Statement EN2 and CS Policies DMG1 and DMH4 in this respect. These policies require that buildings proposed to be converted to dwellings are not isolated in the landscape, that development does not adversely effect the amenities of the surrounding area, and that the landscape and character of the Forest of Bowland AONB are protected, conserved and enhanced. In accordance with paragraph 176 of the Framework, relating to the conservation and enhancement of AONBs, I must give this harm great weight in my decision.

#### *Location*

12. CS Policy DS1 sets out the development strategy for the borough. This seeks to concentrate new housing development within an identified strategic site located to the south of Clitheroe towards the A59 and the principal settlements of

Clitheroe, Longridge and Whalley. In addition to these, it is stipulated that development will be focussed towards the Tier 1 Villages, which are the most sustainable of the 32 defined settlements.

13. CS Policy DMG2 underpins Policy DS1 and identifies that development in either Tier 2 villages or outside a defined settlement must meet at least one of six considerations. These considerations include proposals that are: essential to the local economy or social well-being of the area; needed for forestry or agriculture; local needs housing; small scale tourism or recreational developments; small scale uses appropriate to a rural area; and uses compatible with an enterprise zone designation.
14. In order to protect the open countryside and designated landscapes from sporadic or visually harmful development and deliver sustainable patterns of development CS Policy DMH3 also sets out the limited circumstances under which planning permission for new development in the open countryside and AONB will be granted. This reiterates that residential development will be limited to development that is essential for the purposes of agriculture or residential development that meets an identified local need. It also requires that the conversion of buildings to dwellings are suitably located and that their form and general design are in keeping with their surroundings and are structurally sound.
15. Nonetheless, it is uncontested that the appeal site is located in the open countryside, outside any defined settlement in the development plan. Whilst I am aware that the supporting text within CS Policy DMG2 states that new development, where possible, should be accommodated through the re-use of existing buildings, the proposal would be for open market housing and would not meet an identified local need or any of the considerations set out in this policy.
16. I am also aware that a structural survey was undertaken for the initial planning application and found the building to be structurally sound. Nonetheless, I have already concluded on the harm that the proposal would cause to the AONB, which requires great weight be attributed to it.
17. Furthermore, given the remote location of the appeal site and lack of public transport in the area, access to the nearest services, facilities and employment opportunities would have to involve utilising narrow unlit rural roads which in the vicinity of the appeal site have no pavements. The distances involved and the nature of the roads would therefore be likely to deter pedestrians and cyclists, particularly after dark and in bad weather. As such it is reasonable to conclude that the future occupants of the proposal would be heavily reliant on the use of private cars to access facilities and services such as shops, schools, health services and employment.
18. I am also mindful that although the proposal would be in an isolated location this does not necessarily preclude residential development. Paragraph 80 of the Framework states that local planning authorities should avoid the development of isolated homes in the countryside unless certain circumstances apply. One such circumstance is where development would re-use redundant or disused buildings. However, this is only if such development leads to an enhancement of the immediate setting. Given my findings in respect of the main issue of character and appearance, it would not comply with this requirement.

19. I therefore find that the site is not an appropriate location for the proposed development having regard to the development strategy of the area and accessibility to local services and facilities. As such it would conflict with Key Statements DS1, DS2, and DMI2, CS Policies DMG2, DMG3, DMH3 and DMH4 and the objectives of Paragraph 80 of the Framework.

### **Other Matters**

20. In reaching my findings I have had regard to a previous planning permission at the site for the conversion of the barn to holiday let accommodation (Ref: 3/2003/0043). Whilst I do not have the details of this case before me, I am informed that this permission has expired. Similarly, the appeal site would not benefit from permitted development rights as it is located in an AONB. As such these factors significantly limit the weight that I can afford to them as perceived fallback positions.

21. It has been put to me that CS Policy DMH4 is out of date insofar as it seeks to resist the conversion of buildings outside settlement boundaries, and I have had regard to paragraph 11d of the Framework. Nonetheless, I have found that the proposal would harm the character and appearance of the AONB which, in accordance with footnote 7 of the Framework means that the so called 'tilted balance' set out at paragraph 11d does not apply in this case.

22. The appellant has informed me that the appeal building has been a part of the landscape since before 1842. I also appreciate that the appeal site lies in Flood Zone 1, around 250 metres away from the nearest designated heritage asset, and close enough to other properties as to suggest that utilities could easily be connected, including B4rn super-fast broadband. The lack of harm on the rural economy and nature conservation, and the amount of internal living space have also been put forward in support of the scheme. However, these matters did not appear to be contentious in the appeal and would be neutral factors that would not weigh in favour of the proposal.

23. It is also stated that the barn is no longer of a suitable size and specification for modern agricultural practices and that the proposal would secure the long term viable future of this building. Nonetheless, there is little detailed information provided to indicate that the proposal is suitable for only exclusively residential use. I have therefore not given these comments any significant weight in reaching my decision.

24. I have also had regard to the contribution that a three bedroom rural dwelling would make to the supply of housing in the area. However, given that the proposal is only for a single dwelling, any benefits in this respect would be somewhat limited. Neither this, nor any other matter, therefore outweighs the harm that I have identified would result. As a consequence, the proposed scheme would not result in sustainable development for which there is a presumption in favour.

### **Conclusion**

25. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

*Mark Caine* INSPECTOR