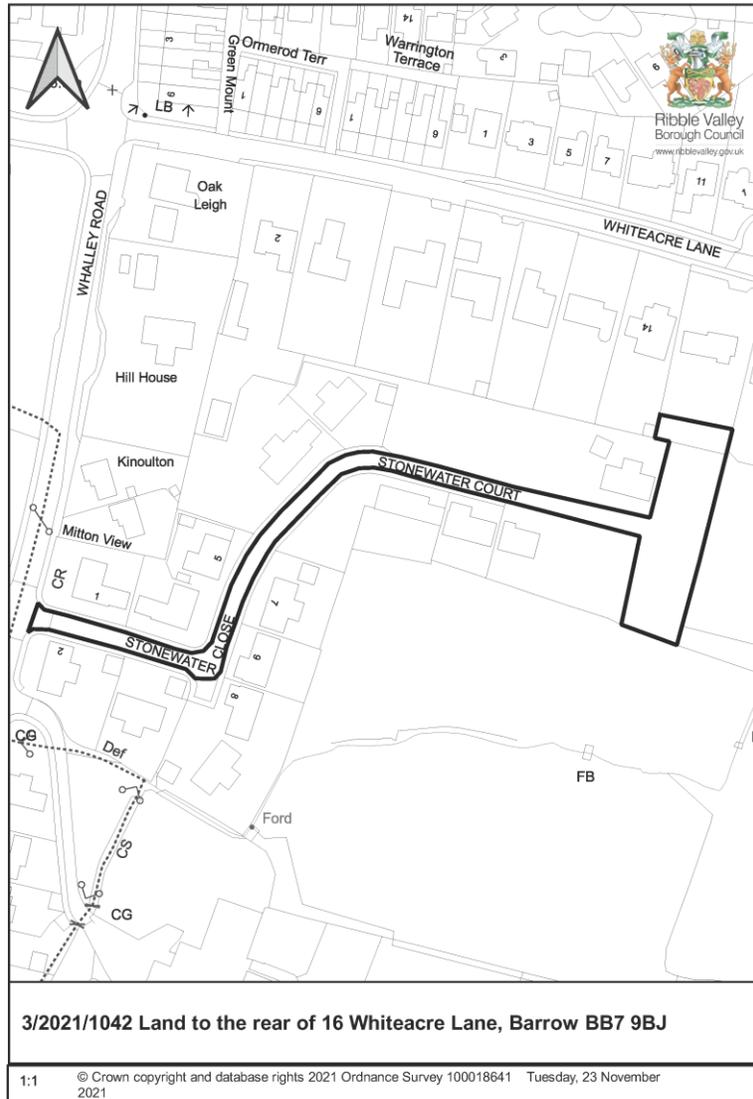


APPLICATION REF: 3/2021/1042

GRID REF: SD 373796 437832

DEVELOPMENT DESCRIPTION:

PROPOSED ERECTION OF ONE NEW, TWO-STOREY, THREE-BEDROOM DWELLING.
RESUBMISSION OF 3/2020/0677 AT LAND TO THE REAR OF 16 WHITEACRE LANE,
BARROW BB7 9BJ



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

None received.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objection subject to conditions.

ADDITIONAL REPRESENTATIONS:

One letter of objection has been received and raises the following concerns:

- The twelve bungalows on land to the rear would give the applicants the features they require.
- Proposal would detract from the attractiveness of the new housing development.
- The area would appear visually cramped and would not reflect the appearance and design of the new bungalow development.
- Impact on wildlife.
- A single storey dwelling would be more likely to meet the needs of the applicant.

1. Site Description and Surrounding Area

- 1.1 The application site comprises of a small parcel of land to the rear of 16 Whiteacre Lane, Barrow. The land is an area of undeveloped grassland containing a number of mature, protected trees. The site is to the west of land being developed for a small residential site of 19 bungalows which was granted consent in two phases.
- 1.2 The site lies in the open countryside and outside of the defined settlement boundary for Barrow which is defined by the rear garden boundaries of residential properties on the south side of Whiteacre Lane.

2. Proposed Development for which Consent is Sought

- 2.1 This application is a re-submission of a previously refused scheme for the development of a two-storey, three-bed, detached dwelling at the site. The previous planning application, ref. 3/2020/0677, was refused for five reasons relating to 1) the principle of development, 2) the impact on the open countryside, 3) the design, external appearance, scale and elevational language of the proposed dwelling, 4) the unacceptable loss of protected trees and 5) failure to provide sufficient evidence to assess the potential impact on bats.
- 2.2 The size, scale and design of the proposed new dwelling remain unaltered. The applicant has made minor alterations to the proposals including a marginal change to the siting of the dwelling within the site to ensure there is no encroachment on a protected tree on neighbouring land.
- 2.3 The site would take access from the adjacent residential development estate road. The proposed dwelling would be located close to the rear garden boundary of 16 Whiteacre Lane and would be south-facing. The proposed dwelling would provide 3-bed accommodation and would have a 'H' shaped footprint. It would have a slate roof and walls would be faced with a mix of oak cladding and stone. On the south (front) and north (rear) elevations would be heavily glazed gables with oak frame. The proposed building would have a maximum height of 6.7 metres and varied eaves height from 2.3 metres to 4 metres high.

3. **Relevant Planning History**

3/2020/0677 - Proposed erection of one new, two-storey, three-bedroom dwelling. Refused.

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement EN5 – Heritage Assets

Key Statement H1 – Housing Provision

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodlands

Policy DME3 – Site and Species Protection and Conservation

Policy DMH3 – Dwellings in the open countryside and AONB

National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 Consideration of the previous application centred primarily on whether residential development at the site was acceptable in principle. At the time of the previous refusal the Council was able to demonstrate a five-year supply of housing land. Sufficient permissions had also been granted in the settlement of Barrow, identified as a tier 1 village in Key Statement DS1, to meet the minimum housing requirement figure in table 4.12 of the Core Strategy. As such, there was no pressing need for the Local Planning Authority to grant consent for residential development on open countryside land adjacent to the settlement of Barrow contrary to Policies DMG2 and DMH3 of the Core Strategy.

5.1.2 The Council's position, described above, remains unchanged. However, the Planning Statement submitted with this application considers a recently allowed appeal in Barrow to lend support to the proposed development. Planning permission was refused for a development of up to three dwellings at the Former Waste Water Treatment Works, Whalley Road, Barrow in November 2020. The appeal site was located in open countryside outside of, but directly adjoining, the settlement boundary of Barrow and was refused due to a failure to comply with Policies DMG2 and DMH3 which require new residential development to be located 'in' principal and tier 1 villages. In allowing the appeal in May 2021 the planning inspector acknowledged that the proposed development was contrary to Core Strategy policies DMG2 and DMH3. However, the inspector considered that given the particular circumstances of the case the benefits outweighed any harm arising from the degree of conflict with the development plan.

- 5.1.3 The appeal site was a former waste treatment works now used in conjunction with a forestry business with parts of the site levelled with compacted stone and used for the storage of associated materials and machinery. The site was bordered by new residential development to the south and east. In making the assessment the inspector noted in the appeal decision that the site *'contrasts sharply with the substantially open undeveloped fields to the north and west. It does not share the open characteristics or beauty of the countryside'*.
- 5.1.4 The land to the rear of 16 Whiteacre Lane is undeveloped, greenfield land. It borders the defined settlement boundary of Barrow for only a short length of its boundary. It is not directly comparable with the aforementioned appeal site and each case must be considered on its merits.
- 5.1.5 In relation to the now-built residential development on adjacent land to the west of the application site, when consent was granted in April 2019 the Local Planning Authority's ability to demonstrate a 5-year housing supply was marginal and, considering the housing requirement figures in table 4.12 in the Core Strategy, there was a residual housing requirement for the settlement of Barrow. As such, permission was granted for residential development outside the defined settlement boundary based on the need for housing at that time.
- 5.1.6 The present situation is that the Local Planning Authority can comfortably demonstrate a five-year housing supply and sufficient consents have been granted in Barrow to meet the residual figure contained in the Core Strategy. As such, there is no impetus for the Council to release additional open countryside land on the edge of the settlement contrary to policies DMG2 and DMH3.

5.2 Design and Visual Appearance:

- 5.2.1 The development plot is located to the rear of the residential plot of 16 Whiteacre Lane and to the east of a residential development of 10 bungalows. In this respect, it would be seen in the context of the adjacent development. However, the proposed development would result in an encroachment into the open countryside. Policy DMG2 of the Core Strategy requires, amongst other things, that within the open countryside, development should be in keeping with the character of the landscape. The Core Strategy clearly sets out to protect the open countryside from development and sees this as a high priority.
- 5.2.2 Visually the site forms part of an area of land which is free from permanent development and contains important landscape features. The site is surrounded on two sides by undeveloped land and provides an important buffer and valued contribution to the visual transition to the wider countryside beyond. The proposal would not be in keeping with the character of the local landscape and in contrast with the appeal site at the former waste treatment works, it displays characteristics of open countryside land that Key Statement EN2 and policies DMG2 and DMH3 seek to protect.
- 5.2.3 In terms of the design of the proposed new dwelling, it would not reflect the homogenous design approach adopted for the estate of 10 bungalows through which it would take its access. The introduction of external timber cladding and

heavily glazed elevations would ensure the proposed dwelling would be seen as an anomalous addition to the street scene. As such, whilst the design of the proposed dwelling when seen in isolation raises no specific design concerns, when experienced in the context of the approved development for 10 bungalows it would be seen as an incongruous addition, at odds with the design approach of adjacent properties contrary to Policy DMG1 (Design).

5.3 Impact on Residential Amenity:

- 5.3.1 The proposed dwelling would be located to the east of plot 23 (shown as plot 18 on approved plans) of the adjacent residential development site. Immediately to the north of the proposed dwelling would be 16 Whiteacre Lane and nos. 14 and 18 Whiteacre Lane would be to the north-west and north-east respectively.
- 5.3.2 The adjacent bungalow, plot 23, is at a substantial stage of construction. On the gable elevation facing the application site will be a lounge window at ground floor and light and outlook from this window would be compromised by the proposed development. However, the lounge will also be served by a window to the rear.
- 5.3.3 At the point where the property provides two storey accommodation the rear garden is at least 10 metres in length and this is considered sufficient to avoid unacceptable overlooking of the rear gardens of 14, 16 and 18 Whiteacre Lane. There is also a considerable distance between the facing rear elevations of these properties and the rear of the proposed dwelling so as to avoid any loss of privacy.

5.4 Impact on Trees and Ecology:

- 5.4.1 There are a number of trees present within and on the edge of the site with some of these being of high quality and value as reflected by their protection by TPO (TPO no.3, 1984). Permission to fell a protected Common Oak tree (T7) within the site was approved under application for tree works (ref. 3/2020/0097) due to its short life expectancy and modest amenity value. This was conditional upon two replacement trees being planted in the same location. This tree would require removal to construct the proposed development and two oak trees are shown to be planted on a retained paddock within the southern area of the site.
- 5.4.2 The other trees within the site affected by the development include TPO'ed trees T4 (Common Ash) and T9 (Common Alder). Tree T4 is located on neighbouring land and the landowner has been granted consent to remove the tree under tree works application 3/2021/0596 due to Ash Die Back. Tree T9 would be retained within the context of the development and the proposed driveway, which extends into the root protection area, would be constructed using a 3-d cellular confinement system.
- 5.4.3 The application is submitted with an ecological 'walkover' assessment. This identifies that the majority of the site is improved grassland. The report confirms that the small timber structures on-site offered no bat roost potential, although these already appear to have been removed at the time of my site visit. There is however potential bat usage of the trees on site which contain roost features. Should consent be granted, there would be a requirement to submit details of

any artificial lighting to the Council for approval to ensure impact on the local bat population is minimised.

5.5 Highway Safety:

5.5.1 The County Surveyor (Highways) has raised no objection in principle to this application. Access would be through the private estate road of the adjacent residential estate. The site would provide parking for two cars with adequate space to enter and leave in forward gear. As such, there are no concerns in relation to matters of highway safety.

5.6 Other Considerations:

5.6.1 The Design and Access Statement submitted with the application indicates that there is a desire to downsize and construct a dwelling to suit the needs of the applicant within old age and ill-health. However, the dwelling proposed is a large, three-bed, detached property that is not significantly smaller than the applicant's existing property. As such, whilst the personal circumstances of the applicant are noted they attract minimal weight in the decision-making process and it is unclear how the proposed dwelling has been designed to meet the applicant's needs.

6. Conclusion

6.1 Considering the above, the creation of an open market dwelling within the defined open countryside without sufficient justification would be contrary to Policies DMG2 and DMH3 of the Core Strategy and would not accord with the development plan. There are no material planning considerations that indicate that planning permission should be granted in this case. The social and economic benefits arising from the provision of a single dwelling are minimal.

6.2 The proposed dwelling would harm the character and appearance of the area, and thus would conflict with Policy DMG2 of the Core Strategy and its design would fail to reflect the style, features and building materials that are seen throughout the residential estate through which the proposed development would gain access. Accordingly it is recommended that the application be refused.

6.3 There remains the requirement, however, for the applicant to complete the correct land ownership certificate and serve notice on all owners of land within the red-edged application site before a decision can be made final. If a local planning authority determines an application and grants planning permission and the correct certificate has not been served, then the permission granted will be invalid and there would be a real risk that the High Court would quash the permission if any person aggrieved by the grant of the permission brought judicial review proceedings.

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

1. The proposal is considered contrary to Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of a new residential dwelling in the defined open countryside, located outside of a defined settlement boundary, without sufficient justification.

2. The proposal is considered contrary to Key Statement EN2 and Policies DMG1, DMG2 and DMH3 of the Ribble Valley Core Strategy as it would lead to the creation of a new residential dwelling in the defined open countryside that would be injurious to the character and visual amenities of the area and would result the outward expansion of development.
3. The proposal, by virtue of its design, external appearance, scale and elevational language would result in an incongruous form of development that fails to respond positively to or enhance the immediate context, being of detriment to the visual amenity of the area contrary to Policy DMG1 of the Ribble Valley Core Strategy.

UPDATE FOLLOWING 2 DECEMBER PLANNING AND DEVELOPMENT COMMITTEE MEETING:

On 2 December 2021 Committee were minded to approve the application subject to appropriate conditions. Amendments in design have been sought to reflect better to the existing immediate locality and a revised curtilage. At time of preparing this report no details have been provided. If the plans are not forthcoming and in the interest of efficiency Committee are asked to delegate the approval to the Director of Economic Development and Planning subject to appropriate conditions. Should Committee still be minded to approve the following conditions are recommended:

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 pursuant to section 91 of the Town and Country Planning Act 1990 as 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 carried out in complete accordance with the proposals as detailed on drawings:

(Revised plans including curtilage change, design and layout.)

Materials

3. Prior to the commencement of above ground construction of the development hereby approved full details of the external materials and surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be constructed in accordance with the approved materials.

REASON: To ensure that the appearance of the development is appropriate to the character and setting of the area.

4. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees to be retained within influencing distance of the site shall be protected in accordance with the BS5837:2012 [Trees in Relation to Demolition, Design & Construction]. The protection zone must cover the entire branch spread of the trees, [the area of the root soil environment from the trunk to the edge of the branch spread] and shall remain in place until all building work has been

completed and all excess materials have been removed from site including soil/spoil and rubble. During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection/exclusion zone, in addition no impermeable surfacing shall be constructed within the protection zone. No tree surgery or pruning shall be implemented without prior written consent, which will only be granted when the local authority is satisfied that it is necessary is in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse effects of developmentLandscaping / tree protection

5. 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 have been submitted, and approved by the local planning authority. The development shall be completed in accordance with the agreed details and the artificial bird/bat boxes.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species.

6. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwellings unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents.

7. Prior to the erection of the dwelling hereby approved, written and illustrative details of the type and location of an Electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority before the dwelling is first brought into use. The EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

REASON: To ensure a satisfactory standard of development which meets the needs of current and future generation and in the interest of sustainability and air quality.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2021%2F1042