



Appeal Decision

Site visit made on 8 February 2022

by Helen Hockenhull BA (Hons) B. PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2022

Appeal Ref: APP/T2350/W/21/3285462

Tippings Meadow, Lyndale Avenue, Wilpshire, Blackburn, BB1 9LP

- 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 J Evans against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2021/0820, dated 7 August 2021, was refused by notice dated 21 October 2021.
 - The development proposed is a change of use of a domestic annexe to form a separate dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of a domestic annexe to form a separate dwelling at Tippings Meadow, Lyndale Avenue, Blackburn, BB1 9LP in accordance with the terms of the application, Ref 3/2021/0820, dated 7 August 2021, and subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Application for costs

2. An application for costs was made by Mr and Mrs J Evans against Ribble Valley Borough Council. This is the subject of a separate decision.

Main Issues

3. The main issues in this case are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and the effect of the proposal on the openness of the Green Belt;
 - whether the site forms a suitable location for residential development having regard to national and local plan policies.

Reasons

Inappropriate development and openness

4. The appeal site comprises a large, detached dwelling, Tippings Meadow and a separate domestic annexe. The annexe was originally constructed as a quadruple garage in the early 2000's and gained a Certificate of Lawfulness as ancillary accommodation to the main house in 2008. This appeal relates to the

- proposed change of use of the annexe to a separate dwelling. The site lies on the northern edge of Wilpshire in the Green Belt.
5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
 6. Paragraph 150 of the Framework outlines 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. Part d) refers to the reuse of buildings provided that the buildings are of permanent and substantial construction.
 7. In this case, a change of use of an existing permanent building is being proposed. The property benefits from its own car parking on the frontage and has amenity space. There would be no impact on the openness of the Green Belt or the purposes of including land within it, as no alterations are proposed, or external works required. I therefore agree with the Council that the proposal would not form inappropriate development in the Green Belt. It would comply with paragraph 150 of the Framework and Key Statement EN1 of the Ribble Valley Core Strategy 2008-2028.

Suitable location for residential development

8. Key Statement DS1 of the Core Strategy outlines the development strategy for the borough. It focusses new housing development in the defined strategic site, the principal settlements of Clitheroe, Whalley and Longridge and the more sustainable Tier 1 villages. Wilpshire is defined as being within this latter category.
9. Policy DMG2 requires development to be in accordance with the development strategy and to support the spatial vision. The Policy states that in the principal settlements and Tier 1 Villages, proposals should consolidate, expand and round off development so that it is closely related to other main built-up areas. The appeal building is located within a small cluster of dwellings to the north of Wilpshire. The appellant suggests the proposal could be considered to be a rounding off of the village. However, whilst Wilpshire is a Tier 1 village, the appeal site lies outside the settlement boundary, so that this part of the policy does not apply.
10. Outside the defined settlement areas, Policy DMG2 states that development must meet at least one of six criteria. These include development essential to the local economy or social wellbeing, for the purposes of agriculture or forestry, for local needs housing, small scale tourism, other small scale uses appropriate to the rural area and development associated with the Enterprise Zone. No substantive evidence has been provided by the appellant to demonstrate that the appeal scheme complies with any of these criteria. I have no evidence that there is a clear or outstanding need for new residential accommodation that must be met in this location or that the proposed dwelling would meet a local need as defined in the development plan.
11. The policy goes on to state that in the open countryside, new development should be accommodated through the re use of existing buildings, which in most cases is more appropriate than new build. The appellant points out that the appeal scheme would comply with this element of the policy. Whilst I agree

on this point, new development must also comply with one of the criteria I have outlined above, which is not the case here.

12. The Council have brought my attention to a number of appeal decisions where Policy DMG2 has been engaged. Whilst these cases are not completely comparable to the appeal before me, as they relate to new development in the countryside rather than the change of use of an existing building, they confirm the application of this policy.

Other Matters

13. I acknowledge that the proposed annexe lies in a sustainable location, on the edge of Wilpshire which offers a limited range of services and facilities. Access to public transport is available on Whalley Road approximately 400 metres from the site. Consequently, the appeal site is not in an isolated location and in this regard the proposal would accord with paragraph 80 of the Framework.
14. The appellant has made me aware that the annexe has been subject to Council Tax since November 2016. The building is taxed separately to the main house as a self-contained annexe.
15. The proposal raises no highway issues, and it causes no harm to residential amenity. As there are no external alterations proposed the development would have no impact on the character or appearance of the area in compliance with Key Statement EN2 and Policy DMG1 of the Core Strategy. I also note there is no objection from the Parish Council or adjoining neighbours.

Conclusion

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.
17. In this case, I have found that the proposal would fail to comply with Core Strategy Policy DMG2 which outlines the development strategy for the borough.
18. Set against this, is that the development would not form inappropriate development in the Green Belt and would cause no harm to openness. The property is already in a residential use, albeit restricted as an annexe, ancillary to the main dwelling. Furthermore, the site is not isolated and is in a sustainable location on the edge of Wilpshire, a Tier 1 settlement, where local services can be accessed. In terms of the overall objective of the Framework, achieving sustainable development, the proposal would, in my view, accord.
19. I therefore find on the basis of the evidence before me in this case, that the conflict with the development plan, which post-dates the current Framework, is outweighed by other material considerations.
20. I understand the Council's concerns that allowing this appeal could lead to a precedent for other similar developments. However, it appears unlikely that the particular circumstances of this case would be replicated. Even if they were, the likely number of cases would be so limited, that there would be no adverse impact on the development strategy for new residential development in the borough.

21. The Council have not suggested any conditions should the appeal be allowed. I impose the standard time condition in the interests of certainty.
22. For the reasons outlined above, and taking all other matters raised into account, I allow this appeal.

Helen Hockenhull

INSPECTOR