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## Appeal Decision

Site visit made on 8 July 2022

by **R Jones BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th July 2022

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### Appeal Ref: **APP/T2350/W/22/3290586**

### **Pendle View, Primrose Lane, Mellor BB2 7EQ**

- 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 Mrs Louise Monk against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/0788, dated 27 July 2021, was refused by notice dated 15 October 2021.
  - The development proposed is partial demolition of an existing stable complex and the erection of a new building. Conversion of the retained building to provide a wellbeing centre.
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### Decision

1. The appeal is allowed and planning permission is granted for partial demolition of an existing stable complex and the erection of a new building. Conversion of the retained building to provide a wellbeing centre at Pendle View, Primrose Lane, Mellor BB2 7EQ in accordance with the terms of the application, 3/2021/0788, dated 27 July 2021, and the plans submitted with it, subject to the schedule of conditions below.

### Procedural Matters

2. Part 5 of the planning application form describes the proposal only as '*development of a wellbeing centre.*' I have therefore used the description of development in the Council's decision notice as this more fully and accurately describes the proposal before me. It is also the description used by the appellant in Part E of the appeal form.
3. In February 2022 the Council granted planning permission (ref. 3/2021/1280) for an alternative scheme for the appeal site, including a wellbeing centre and treatment rooms. On my site visit, I saw that part of the original stables has been demolished, the planning permission has been implemented and the construction of the new building appears to be nearing completion. I have nevertheless considered the appeal scheme before me on the basis of the planning application submission.

### Main Issues

4. The main issues in this case are: whether the site is a suitable location for the proposed development, having regard to the development strategy for the plan area, and accessibility to modes of transport other than the private car; and

the effect of the proposed development on the character and appearance of immediate area.

## **Reasons**

### *Location*

5. The appeal site is located to the north east of the village of Melton accessed from Primrose Hill, a steep, narrow country lane between Mellor Lane and Saccary Lane. It is situated outside a defined settlement, so within open countryside. Policy DMG2 of the Ribble Valley Borough Council Core Strategy 2008-2028 (2014) (CS) states that outside of defined settlement areas, development proposals must meet at least one of the six given exceptions. Exception 4) is where the development is for small scale tourism or recreational development appropriate to a rural area.
6. The appeal proposal is for the part demolition of an existing stable block and its replacement with a new building to be used as a café/wine bar. The retained part of the stable block would be converted to treatment rooms and a reception. It is intended that these facilities would be used only by guests of the wellbeing centre, staying at the 12no. existing holiday lodges to the south of the site, owned and operated by the appellant.
7. The Council's case is that the proposal would comprise a main town centre use, rather than small scale tourism development. The Glossary of the National Planning Policy Framework (the Framework) defines main town centre uses as including, amongst other things, retail development, leisure, entertainment, more intensive recreation uses and tourism development. The café/wine bar element of the appeal proposal, by itself, could reasonably fall within this broad definition. The use would, however, be part and parcel of the wellbeing offer linked to the existing holiday lodges and was clearly defined in the original planning application submission in these terms.
8. I note that the Council have suggested a planning condition, should the appeal be allowed, that the 'ancillary guest facilities' proposed (so the wellbeing centre, treatment rooms and café/wine bar) are only available for use by persons staying overnight in the holiday lodges and not open to members of the public. I am also aware that a similar condition has been imposed by the Council on the planning permission for the wellbeing centre (with treatment rooms) that is currently being built on the appeal site.
9. The CS does not seek to define 'small scale' for the purposes of Policy DMG2, exception 4) and I accept that the proposed use is not itself of a 'rural' nature, or is reliant on a countryside location to operate. The Council have, however, previously supported the development of 12no. holiday lodges as appropriate in this location. The provision of ancillary facilities would not, in my view, be a significant change in scale or nature and I find they would be one component of an existing small scale tourism development, appropriate to a rural area.
10. Consequently, with a planning condition that controls the use, I am satisfied that the appeal site would be a suitable location for the proposed development because it falls squarely within exception 4) of CS Policy DMG2, namely small scale tourism appropriate to a rural area. It would not result in provision of an independent main town centre use for which justification would be required in line with Section 7 of the Framework.

### *Accessibility*

11. I observed on site that Primrose Hill is a narrow, steep country lane with no pedestrian footways. I therefore accept that the site does not benefit from good walkable access from or to nearby settlements, including the closest village, Mellor. Nor is there ready access to public transport. However, guests of the holiday lodges, who would use the proposed facilities, would already be on site. It is proposed that local therapists and practitioners would visit the site to deliver treatments and there would invariably be a small number of deliveries associated with the proposed café/wine bar. I am not, however persuaded that there would be any significant increase in car-borne travel arising from the appeal proposal and note that County Highways Officers raised no objections. To the contrary, by offering ancillary facilities there would likely be a reduction in guest vehicle movements to and from the site.
12. Consequently, there would be no conflict with CS Policy DMI2 and DMG3 which seek, amongst other things, to ensure that new development be located to minimise the need to travel, particularly by private car. Further, it would not conflict with the Council's overriding strategy in CS Policy DS1 to direct new development to identified settlements that are most sustainable.

### *Character and appearance*

13. The proposed new building would be arranged as a 'U-shape' with the retained stable building set around a central courtyard that would provide access to the treatment rooms and café/wine bar. There would be an external terrace area wrapping round the north-east corner of the building and to the south a 'wellness garden area.' The proposed building would not be significantly larger than the original stable building with an increase in floor area of only around 27sqm and would be located on a similar footprint.
14. The building has been designed to have an equestrian appearance with a shallow roof profile of a maximum height of 3.2m and only 2.2m to its eaves. It would be finished in timber with corrugated bitumen roof sheets, save full height glazing to the north-east corner which gives views over, and access to, the terrace. The proposed building is accessed from a private track from Primrose Hill and would be located to the east of Pendle View, a large, detached two-storey house. Its location and functional design means it would be principally viewed in the context of the existing house and holiday lodges to the south and it would not appear at all out of character in its surroundings, or the open countryside.
15. Further, I observed on site that although the existing lodges are visible in wider views including from Moor Edge Farm and from the garden of one of the closest neighbours at High Ridge, the proposed building would be largely hidden by Pendle View. The appeal proposal would therefore accord with CS Policy DMG1 because it is of a high standard of design which considers the building in its context.

### **Other Matters**

16. I sympathise with the concerns of local residents and Mellor Parish Council that the tourism use at Pendle View has evolved and expanded over recent years. I also observed on my site visit that the holiday lodges are clearly visible from neighbouring properties and recognise the concerns regarding the noise and

security associated with their occupation. I do not, however, have any substantive evidence before me that the number of treatment rooms proposed would be disproportionate to the number of lodges. Further, it is only open to me to consider the current appeal proposal. For the reason given above, I find this acceptable in relation to the main issues and have no other matters before me to justify forming a different view.

### **Conditions**

17. The Council have suggested 8no. conditions in the event the appeal was allowed. I have assessed these against the relevant tests set out in the Framework and I have amended the wording accordingly where I consider it is necessary.
18. In addition to the standard condition for implementation of the planning permission, I have specified the approved plans in the interests of certainty. In order to ensure the development is in keeping with its surroundings, a condition requiring details of materials and external or ground mounted lighting is necessary.
19. For the reasons explained above, to ensure the proposed development operates as part and parcel of the wider holiday lodge tourism development, a condition is required controlling its use. A condition relating to hours of operation of the café/wine bar and wellbeing centre is also necessary in the interests of residential amenity and the living conditions of nearby residential occupiers, including Pendle View itself. The hours suggested by the Council reflect those proposed by the appellant in part 19 of the planning application form.
20. A condition tying mitigation to the submitted Ecological Appraisal is necessary in the interests of any protected species on site. Further, conditions requiring car parking (and its retention in perpetuity) and a Construction Management Plan or Method Statement are necessary given the character of Primrose Hill and the need to secure safe operation of the highway.

### **Conclusion**

21. For the reasons given above, I conclude the appeal is allowed.

*R. Jones*

INSPECTOR

## Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Monk/924/3016/01 Rev: A; and Monk/924/3016/02.
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.
4. The proposed facilities (wellbeing-centre, treatment rooms, wine bar and cafe) forming part of the development hereby approved shall only be available for use by persons staying overnight in the holiday lodges (as consented by 3/2019/0894) and shall not be open to or offer services to any other members of the public.
5. The mitigation recommendations [7.1 – 7.8] included in the Ecological Appraisal dated 29/30 of August 2019 shall be implemented in accordance with the details submitted if during any part of the development any protected species and/or species of conservation concern are discovered or disturbed, work shall cease until further advice has been sought from a licensed ecologist.
6. Prior to the development hereby approved being first brought in to use or becoming operational, the vehicular parking and manoeuvring provision as indicated on drawing Monk/924/3016/01 Rev: A shall be implemented and made available for use. The approved details shall thereafter be retained in perpetuity.
7. No development related to the consent hereby approved 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. For the avoidance of doubt the submitted details shall provide:
  - i. 24 Hour emergency contact number;
  - ii. Details of the parking of vehicles of site operatives and visitors;
  - iii. Details of loading and unloading of plant and materials;
  - iv. Arrangements for turning of vehicles within the site;
  - v. 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;
  - vi. Wheel washing facilities;
  - vii. Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
  - viii. Measures to control the emission of dust and dirt during construction;
  - ix. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;

- x. Construction vehicle routing;
- xi. Delivery, demolition and construction working hours.

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

8. 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.
9. The café/wine bar and wellbeing centre hereby approved shall only be operated between the following hours: 08:00 to 22:00 Monday to Sunday including Bank Holidays. There shall be no business operated from the premises outside the stated operating hours.