



## Appeal Decision

Site visit made on 27 June 2022

**by M Ollerenshaw BSc(Hons) MTPI MRTPI**

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

**Decision date: 16 August 2022.**

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### **Appeal Ref: APP/T2350/D/22/3292005 Cliveden, Sandy Bank, Chipping PR3 2GA**

- 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 and Mrs Lynn against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/0989, dated 27 September 2021, was refused by notice dated 18 November 2021.
  - The development proposed is proposed annexe within the residential curtilage.
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### **Decision**

1. The appeal is allowed and planning permission is granted for proposed annexe within the residential curtilage at Cliveden, Sandy Bank, Chipping PR3 2GA in accordance with the terms of the application, Ref 3/2021/0989, dated 27 September 2021, subject to the following 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: A100, A101, A102 and A200.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.
  - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Cliveden.

### **Main Issue**

2. The main issue is whether the development proposed would constitute an ancillary residential annexe or whether it would be tantamount to a new dwelling.

### **Reasons**

3. The appeal site relates to Cliveden, a two storey end dwelling set within a large curtilage which includes a detached garage and summerhouse to the side of the property and an area of hardstanding to the front. The site is accessed via Sandy Bank which serves a small number of properties to the east of Longridge Road. The surrounding countryside is interspersed with occasional dwellings and agricultural buildings.

4. The appeal site is located a significant distance outside the settlement boundary of Chipping and is therefore within the open countryside. It is also within the Forest of Bowland, Area of Outstanding Natural Beauty (AONB). Policy DMG2 of the Core Strategy 2008 – 2028 A Local Plan for Ribble Valley (Core Strategy) says that within the Tier 2 Villages and outside the defined settlement areas development must meet at least one of the considerations listed, which includes small scale uses appropriate to a rural area where a local need or benefit can be demonstrated.
5. The proposal would comprise a single storey detached building situated to the side of the existing detached garage and summerhouse. The accommodation would include two bedrooms, living room, kitchen diner, study/sensory room and bathroom. Permission is sought on the basis that the proposal would provide ancillary accommodation for the appellants' grandson and a carer, rather than as a separate dwelling. Based on the evidence before me, I consider that there is a demonstrable need for the accommodation proposed.
6. Core Strategy Policy DMH5 says that accommodation for elderly or dependant relatives must be capable of integration into the main dwelling or a use that is ancillary to the use of the main dwelling housing when circumstances change; and should generally provide only a modest level of accommodation.
7. Whilst the proposed building would provide facilities for independent day-to-day living, that does not necessarily mean the accommodation would be occupied independently or become a separate planning unit. The application was submitted to the Council as a householder development and was validated on that basis.
8. The proposal would be situated within the residential curtilage of Cliveden and would share the existing access with the main dwelling. There would be no boundary between the proposed annexe and the main dwelling. Whilst a separate parking area would be provided to the front of the new building and a small patio would be formed at the rear, it is likely that the annexe and the main dwelling would share the existing garden area and parking facilities across the site. The proposal would be of a notably smaller scale than the main dwelling and sited relatively close to it. It would therefore maintain a subordinate relationship with the main dwelling.
9. Although the proposal would not be attached to the host property, the appellants have set out the particular circumstances why the annexe needs to be detached from the host property and in the form proposed. The imposition of a planning condition would restrict the occupancy of the annexe and prevent the creation of a separate dwelling. Any change of use to create a separate dwelling would require a further grant of planning permission.
10. For the above reasons, I conclude that the proposal would be ancillary to the main dwelling and would therefore comply with Core Strategy Policy DMH5. It would constitute a small scale use appropriate to the rural area where a local need has been demonstrated in accordance with Core Strategy Policy DMG2 5).

### **Other Matters**

11. The proposal would be well screened from public vantage points by mature hedgerows on the site boundaries. Given the scale and design of the proposal, I consider that the proposal would maintain the character of the landscape,

including the AONB. The proposal would comply with Core Strategy Policy DMG1, which seeks to ensure that development is of a high standard of design that is sympathetic in terms of scale, massing, style, features and building materials. I also find no conflict with Sections 11 and 15 of the National Planning Policy Framework (the Framework), which require development to make effective use of land and safeguard, conserve and enhance the natural environment.

12. On the basis that the proposal would be ancillary to the main dwelling, there would be no unacceptable impact on highway safety. Thus, it would not conflict with the guidance in Section 9 of the Framework which promotes sustainable transport.

### **Conditions**

13. I have had regard to the conditions suggested by the Council. In imposing conditions I have had regard to the relevant tests in the Framework, Planning Practice Guidance and of statute.
14. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. A condition to ensure that the facing materials would match those present on the existing building is reasonable and necessary in the interests of the character and appearance of the area. A condition to limit the permission to ancillary accommodation is reasonable and necessary to define the permission and to prevent the use of the building as a separate dwelling.

### **Conclusion**

15. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed subject to conditions.

*M Ollerenshaw*

INSPECTOR