

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

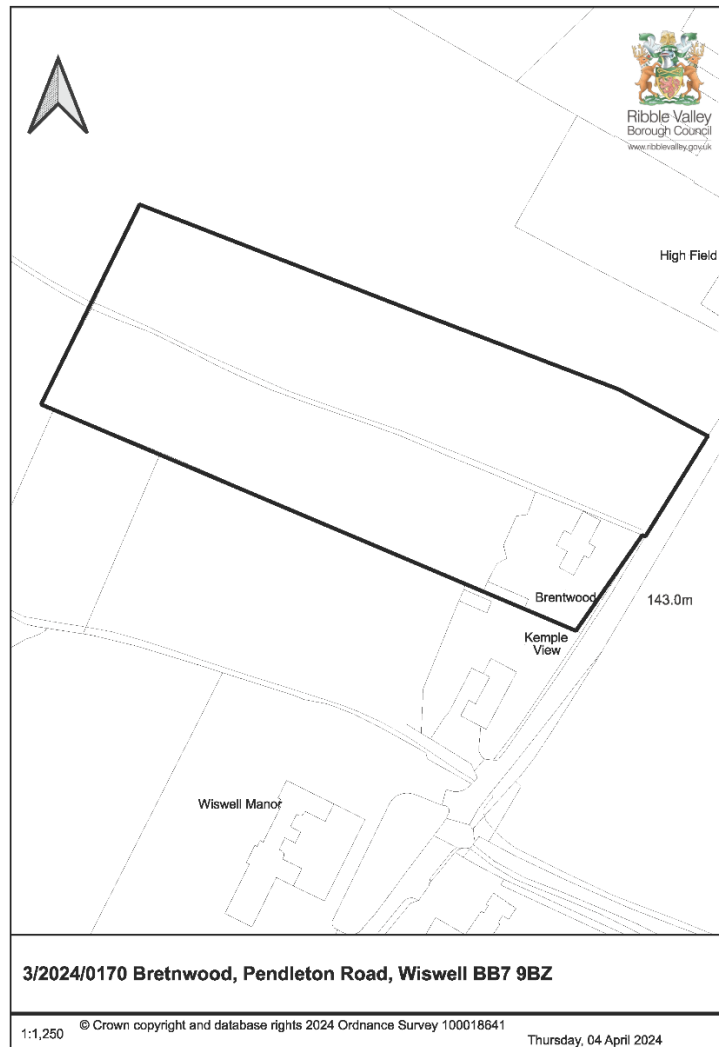
DATE: 18 April 2024
REF: BT
CHECKED BY: LH

APPLICATION REF: 3/2024/0170

GRID REF: SD 375248 438238

DEVELOPMENT DESCRIPTION:

PERMISSION IN PRINCIPLE APPLICATION FOR ONE NEW DWELLING AT BRENTWOOD,
PENDLETON ROAD, WISWELL, BB7 9BZ



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Wiswell Parish Council wish to record that they are not in favour of the proposed small scale residential development outlined in the most recent planning submission. Objections cited to the initial application still hold true (building on land currently used for agricultural purposes which has no previous building history other than a small wooden shed). In addition, we notice that the most recent application suggests that the location is part of the extended domestic curtilage of the existing bungalow. We have no evidence to support this claim.

LANCASHIRE COUNTY COUNCIL HIGHWAYS:

No objections.

UNITED UTILITIES:

No objections subject to adherence with standing advice.

ADDITIONAL REPRESENTATIONS:

None received.

1. Introduction

- 1.1 The application is being brought to Planning and Development Committee as a result of a Member call-in request received from Councillor Birtwhistle. The planning reason(s) stated for bringing this to Committee is that whilst outside the main settlement boundary, this application should be considered infill between existing dwellings.

2. Site Description and Surrounding Area

- 2.1 The application relates to a detached bungalow property located on the North-eastern outskirts of Wiswell. Access to the application site is from Pendleton Road via a driveway which terminates at the property's integral garage. The application property comprises front and rear garden areas with an expanse of additional land in the applicant's ownership extending to the North-east and North-west of the application property. The wider area comprises a mixture of isolated dwellings, woodland, agricultural land and open countryside.

3. Proposed Development for which consent is sought

- 3.1 Permission in Principle is sought for the construction of a new dwelling. The proposed dwelling would be sited directly adjacent to the North-east of the property known as Brentwood on land in the applicant's ownership. The application is a resubmission of previously refused permission in principle application 3/2023/0947.

4. Relevant Planning History

3/2023/0947: Permission In Principle application for one new dwelling (Refused)

3/2023/0566: Proposed new vehicular access. Resubmission of application 3/2023/0038 (Approved)

3/2023/0038: Proposed new vehicular access (Approved)

5. **Relevant Policies**

Key Statement DS1: Development Strategy
Key Statement DS2: Sustainable development
Key statement H2: Housing Balance

Policy DMG1: General considerations
Policy DMG2: Strategic Considerations
Policy DMG3: Transport and Mobility
Policy DMH3: Dwellings In The Open Countryside And AONB

National Planning Policy Framework (NPPF)
National Planning Practice Guidance

6. **Assessment of Proposed Development**

6.1 Principle:

6.1.1 Permission in Principle applications may only deal with the principle of development. Any other details relating to any other material planning consideration are to be dealt with within any future Technical Details application.

6.1.2 Key statement DS1 of the Ribble Valley Borough Council Core Strategy sets out the spatial vision for the Borough as follows:

The majority of new housing development will be:

- *concentrated within an identified strategic site located to the South of Clitheroe towards the A59; and*
- *the principle settlements of:*
 - *Clitheroe;*
 - *Longridge; and*
 - *Whalley*

In the 23 remaining Tier 2 Village settlements, which are the less sustainable of the 32 defined settlements, development will need to meet proven local needs or deliver regeneration benefits.

6.1.3 In addition, Policy DMG2 of the Core Strategy states:

Within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:

1. *The development should be essential to the local economy or social well-being of the area.*

2. *The development is needed for the purposes of forestry or agriculture.*
3. *The development is for local needs housing which meets an identified need and is secured as such.*
4. *The development is for small scale tourism or recreational developments appropriate to a rural area.*
5. *The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*
6. *The development is compatible with the enterprise zone designation*

6.1.4 In a similar vein, Policy DMH3 seeks to restrict residential development to development essential for the purposes of agriculture or residential development which meets an identified local need. The same policy also allows for the conversion of buildings to dwellings and for the rebuilding and replacement of dwellings under certain circumstances.

6.1.5 In this instance, the proposal development relates to the construction of a new dwelling on land which lies outside of the defined settlement of Wiswell. As such, the application site lies within the defined open countryside.

6.1.6 In terms of justification for the proposed development, the application's supporting information asserts that the land in the applicant's ownership sited directly adjacent to the North of Brentwood is not sited within the open countryside by virtue of forming part of the defined residential curtilage of Brentwood.

6.1.7 In making the above assertion, the applicant makes reference to excerpts from a 2017 High Court decision whereby residential curtilage is defined as follows:

'...an area of land cannot properly be described as a curtilage unless it forms part and parcel of the house or building which it contains or to which it is attached...the expression 'curtilage' is a question of fact and degree. It connotes a building or piece of land attached to a dwelling house and forming one enclosure with it. It is not restricted in size, but it must fairly be described as being part of the enclosure of the house to which it refers.'

6.1.8 As conveyed previously in the assessment of planning application 3/2023/0947, the adjacent land in question is clearly severed from the domestic curtilage area of Brentwood in physical terms, not least by virtue of the mature tree line which divides the domestic curtilage area of Brentwood from the land parcel in question.

6.1.9 Furthermore, there is no planning history on record for any lawful extension of domestic curtilage into the land sited adjacent to Brentwood. As such, the adjacent land in question is not considered to form part of the domestic curtilage area of Brentwood in the context of the High Court case decision referenced by the applicant.

- 6.1.10 Even if the Council were to accept the applicant's argument with respect to the application site forming part of the applicant's residential curtilage (n.b. this is not the judgement made by officers), this would still be sited outside of the defined settlement boundary of Wiswell and as such lie within the open countryside, and be subject to the same Core Strategy policy tests in order to be considered acceptable (DMG2 and DMH3).
- 6.1.11 The applicant makes further reference to the application site being sited within the Green Belt with further references made to the proposed development as being compliant with the provisions of Paragraph 149 (g) of the NPPF (now Paragraph 154 (g)) on this basis.
- 6.1.12 Notwithstanding the above, and as previously conveyed within the assessment of refused planning application 3/2023/0947, the application site is not sited with designated Green Belt. As such, the proposed development does not stand to be assessed against the provisions of Paragraph 154 of the Framework.
- 6.1.13 Taking account of all of the above, the assertions made by the applicant with respect to residential curtilage and Green Belt development cannot be considered as relevant to the application in question.
- 6.1.14 In terms of the Core Strategy policy tests, no evidence has been provided to demonstrate that the proposed dwelling would be essential to the local economy or social well-being of the area, nor has any evidence been provided to demonstrate that construction of the proposed dwelling relates to local needs housing to meet an identified need.
- 6.1.15 In addition, the proposed development would not be used in relation to agriculture, small scale tourism, recreation or any small-scale uses that would be appropriate within a rural area. Furthermore, the proposed dwelling would be a new build property and would not involve the rebuilding or replacement of an existing dwelling or conversion of an existing building.
- 6.1.16 The immediate surroundings are largely characterised by fields with a small number of dwellings. A new dwelling on this site would introduce further urbanisation and detract from the rural character.
- 6.1.17 Taking account of the above, the proposal would fail to meet the criteria within Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Borough Council Core Strategy.
- 6.1.18 In addition, Policy DMG3 seeks to support development proposals which are well related to the primary road network and can be accessed by sustainable transport modes. This is in line with one of the overarching objectives of the NPPF to encourage sustainable development and in turn reduce reliance on private motor vehicles.
- 6.1.19 The introduction of a new dwelling in this location is not considered to satisfy policy DMG3 or the NPPF by virtue of its open countryside location and distance from Wiswell which is itself a Tier 2 Village and therefore considered less sustainable in the settlement hierarchy as outlined in the development strategy (Policy DS1).

7 Observations/Consideration of Matters Raised/Conclusion:

- 7.1 It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal.

RECOMMENDED: That Permission in Principle be REFUSED for the following reason:

1. The proposal would lead to the creation of a new residential dwelling in the defined open countryside without sufficient justification insofar that it has not been adequately demonstrated that the proposal would meet any of the exception criteria including meeting a local housing need or providing regeneration benefits. A new dwelling on this site would introduce further urbanisation and detract from the rural character. Furthermore, the siting of the application site outside of the defined settlement area of Wiswell means that future occupants would likely be reliant on a private motor vehicle. Therefore, the proposal fails to comply with Key Statement DS1, DS2 and DMI2 and Policies DMG2, DMH3 and DMG3 of the Ribble Valley Core Strategy 2008 – 2028 as well as the National Planning Policy Framework.

BACKGROUND PAPERS

Planning Application - Ribble Valley Borough Council