
Appeal Decision

Site visit made on 8 August 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 September 2016

Appeal Ref: APP/T2350/W/16/3150944

Broadhead Farm, Moorfield Aveune, Ramsgreave, Lancashire BB1 9BZ

- 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 Jack Worsley against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0019, dated 18 December 2015, was refused by notice dated 12 February 2016.
 - The development proposed is demolition of farm buildings and erection of four detached dwellings with associated garages and gardens.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of the development set out in the appeal form as it more clearly describes the development proposed. The application form and decision notice refer to the appellant as 'Mr Jack Worsely' whilst other documents including the appeal form refer to 'Mr Jack Worsley'. I have accepted confirmation that the latter spelling is accurate and therefore used this in my decision.
3. Following the determination of the application which is the subject of this appeal the appellant submitted an up to date Ecology Report. As a result of this the Council no longer wishes to defend its reason for refusal relating to wildlife issues. I therefore do not address this matter in the reasoning below.

Main Issues

4. The main issues in this case are:
 - (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any development plan policies;
 - (ii) the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - (iii) whether the proposal represents a sustainable form of development with reference to its location;
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- (iv) the effect of the proposal on the character and appearance of the area;
- (v) whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook, privacy and daylight; and,
- (vi) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. The appeal site is part of Broadhead Farm located just outside the settlement of Ramsgreave. It is located in an elevated position in the area and surrounded by agricultural land. The site is currently occupied by a range of agricultural buildings which I understand are associated with its former use as a dairy farm. The proposals would redevelop this site with a scheme comprising four detached dwellings.

Inappropriate development

6. The Framework at paragraph 89 establishes that new buildings within the Green Belt are inappropriate. Exceptions to this include "*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings)*". The Glossary to the Framework at Annex 2 clarifies that previously developed land excludes land that is or has been occupied by agricultural buildings. Key Statement EN1 of the Ribble Valley Core Strategy 2014 (the Core Strategy) has a more restrictive approach, stating that within the Green Belt "*development of new buildings will be limited to the purposes of agriculture, forestry, essential outdoor sport and recreation, cemeteries and for other uses of land which preserve the openness of the Green Belt*".
7. There are six buildings on this site comprising a range of modern steel frame buildings in reasonably good condition, dilapidated timber buildings, and a dilapidated brick building. It also includes part of the yard area and a slurry pit. I understand that in 2013 an application for the change of use of four agricultural buildings and part of the yard for the storage of caravans (up to 70 in total) was granted. The parties disagree about whether or not this approval has been implemented. The Council states that a pre-commencement condition has not been discharged, and that the business has not been registered for business rates purposes. The appellant provides evidence of the advertisement of this business and photographs of three caravans stored at the site.
8. At the time of my site visit I noticed signs advertising caravan storage on this site, and a single caravan being stored in one of the more modern structures. Other buildings appeared to contain various items of farm equipment or were not in use. My view is that whilst there is some caravan storage on this site, this relates to a single building only. Therefore, most of the buildings on this site remain as redundant agricultural buildings, which are excluded from the definition of previously developed land.
9. Notwithstanding such considerations, Key Statement EN1 of the Core Strategy makes it clear that development which may be acceptable in the Green Belt does

not include open market housing. Therefore, in accordance with section 38(6) of the *Planning and Compulsory Purchase Act 2004* which requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise, this scheme would constitute inappropriate development in the Green Belt.

10. The appellant has referred to a number of other appeal decisions in which development in the Green Belt has been allowed on previously developed sites, and in which inspectors have made reference to paragraph 89 of the Framework. However, the details of these cases vary and it is not possible to draw direct parallels with the current appeal which I have determined on the basis of relevant local and national policy.

Openness

11. Openness is an essential characteristic of the Green Belt and can be defined as the lack of built form. In the present case the proposal would involve the removal of the agricultural buildings. In terms of both volume and footprint the total volume of buildings to be removed exceeds that of the proposed new dwellings. The proposed dwellings would be in a more concentrated grouping than the current farm buildings.
12. However, these dwellings would have garden areas with patios and defined boundaries containing the usual domestic paraphernalia, as well as attached and detached garaging. The dwellings and their curtilages would cover most of the site. Although mostly having little or no height, these garden areas would contrast with the less formal mixture of hard surfacing and grass surrounding the existing agricultural buildings. Whilst it is not possible to compare the effect on openness of a building with an area of wall or hard surfacing, I conclude that overall the scheme would have a broadly neutral effect on the openness of the Green Belt.

Sustainability

13. The appeal site is located close to the settlement of Ramsgreave, but is located outside the Wilsphire and Ramsgreave settlement boundary. Wilsphire is defined as a Tier 1 village which, in accordance with the Core Strategy Key Statement DS1, is one of the more sustainable of the boroughs defined settlements and as such will be the focus of development. Policy DMG2 further states that proposals should consolidate, expand or round-off development so that it is closely related to the main built up areas. The Council have made reference to the fact that the settlement boundaries have recently been redrawn and updated, but that the appeal site is not included in the updated draft settlement boundary and therefore remains in open countryside.
14. In this respect it is also relevant to consider Policy DMH3 which states that within areas defined as open countryside, residential development will be limited to that which meets an identified local need, the appropriate conversion of buildings to dwellings, and the rebuilding or replacement of existing dwellings. It is clear that the appeal proposal would not meet these criteria.
15. I have noted that the site is located close to the settlement of Ramsgreave which adjoins Wilsphire and is in close proximity to the urban fringe of Blackburn. As such the appellant argues that access to a range of services and facilities is available within walking distance of the appeal site, with an existing footpath from

the site to Whalley New Road, making this a sustainable location. I agree that the site is in a reasonably accessible location.

16. I have also looked at the other key elements of sustainability as set out in the Framework at paragraph 7. I accept that this development would contribute to the expansion of the local population. I also accept that there would be short term economic gain through the provision of construction jobs. There would also be some additional revenue generated for the local parish council.
17. However, whilst the proposal would not result in the loss of any productive agricultural land and would replace a range of existing buildings, it is clearly located outside established settlement boundaries. Therefore, residential development in this area of designated open countryside would conflict with the environmental dimension of sustainable development in terms of the protection of the natural environment. Furthermore, given that there is no overriding need for the appeal proposal, the acceptance of such a development would create a harmful precedent which could have an adverse impact on the implementation of the Councils settlement policies.
18. I conclude that this proposal would not represent a sustainable form of development with reference to its location. It would conflict with the up-to-date Core Strategy Key Statement DS1 and Policies DMG2 and DMH3 which seek to protect the countryside whilst delivering sustainable patterns of development.

Character and appearance

19. The buildings would be accessed from the existing track which leads up to the site from Pleckgate Road. A spur to the north east would provide a dedicated driveway for unit 1, whilst the others would be served by a spur to the north. The buildings would be of varied design, the appellant stating that one would have the appearance of a farmhouse and the other three appearing as converted barns. Two of the dwellings would have detached garages, whilst in the other two properties the garages would be integral. They would be constructed with random stone walls, slate roofs and timber doors and windows. They would lie adjacent to the existing farmhouse which is of modest design, constructed from stone with a slate roof with a walled garden area lying to the south east.
20. It is the Councils view that the individual design of these dwellings would be regimented and consistent, with features such as high levels of glazing giving a suburban feel to the development. My view is that an attempt has been made to vary the design of each dwelling in terms of dimensions, roofs and elevation treatment within the parameters of what would typically characterise a group of traditional rural buildings. Whilst I accept that on some elevations there is a degree of uniformity, this is not dissimilar to that currently found in the farmhouse. Overall I consider that the appearance of the dwellings themselves would be appropriate in this setting.
21. The Council also states that traditional farmstead arrangements would usually be surrounded by communal space rather than private gardens. The plans indicate the proposed delineation of private spaces around each dwelling, though details of how this would be achieved have not been provided. Further concern is expressed about the proliferation of domestic paraphernalia, such as play equipment and sheds which would be likely to populate such private garden areas. In this respect I agree that the layout, in terms of the overall regularity of the spacing of the

houses, would appear as a typical cul-de-sac of detached properties within private curtilages, rather than a traditional farmyard, and that this would not be appropriate in this rural setting.

22. Whilst I accept the appellants claim that this development would represent an improvement on the existing built form on this site, I do not consider that this arrangement would be appropriate in this setting as it would not appear as an extension of the existing farmstead. The appellant also states that the irregular layout of the houses would reflect a typical rural pattern. However, with the exception of unit 4, the other dwellings would appear to have consistent spacing and be regularly positioned in relation to each other.
23. The appellant also states that the presence of trees and landscaping would both mitigate the visual impact of the boundary treatment of this grouping and screen domestic paraphernalia. Whilst the appellant has suggested that the details of how this would be achieved could be secured by condition, in this case it is not clear that concerns about the effect of this proposal on the rural character of this site could be overcome.
24. The appellant states that the development would be most visible from Ramsgreave Drive where it would be seen against the backdrop of the built form of Ramsgreave and Wilsphire. However, whilst I agree that the site is close to the built up area of these settlements, the presence of the surrounding fields means that there is currently a degree of visual separation of the farm buildings within this landscape setting which it is important to maintain. My view is that the appeal proposal would be largely experienced as an incongruous outlying pattern of suburban housing with a poor relationship to the adjoining rural character.
25. Overall I conclude that the proposal would have a moderately damaging effect on the character and appearance of this area. It would therefore conflict with the relevant elements of Core Strategy Policies DMG1, DMH3 and DME2 which, amongst other things, seek to ensure that development is sympathetic to its setting in terms of scale, massing and style and its impact on landscape character.

Living conditions

26. The four proposed detached dwellings would be placed in approximately the north, east, south and western corners of the site. The Council has expressed concern about the relationship between units 2 and 4. These would be two storey properties, though unit 4 would have additional accommodation in the roofspace, and unit 2 would be part single, part two storey. Of specific concern would be the distance between the rear elevation of unit 4 and the front elevation of unit 2¹. As both of these elevations contain principle windows the proposed separation distance of around 15m is considered to be insufficient in terms of the privacy of future occupants.
27. However, whilst these properties would be separated by around 15m at their closest point, as they are angled away from each other the separation distance would for the most part be greater than 15m and viewing angles would not be direct. Furthermore, unit 2 would be largely single storey along its front elevation, with the two storey element set back and at a greater distance from unit 4. I

¹ I note that the Councils Statement refers to the rear elevation of unit 2, however on the plan referenced Wor/024/2033/06 the rear elevation of unit 4 faces the front (north easterly) elevation of unit 2.

therefore do not consider that this layout would lead to an unreasonable degree of overlooking between these properties.

28. The Council further states that as the rear elevation of unit 4 would be located at its closest point around 8m from the shared boundary with unit 2, windows on the first floor of this elevation would have a direct view into the rear garden of unit 2. However, this view would actually be into the front garden area of unit 2. As the degree of privacy required within front garden areas is typically less important than that associated with rear garden areas, my view is that the degree of overlooking which could result from this arrangement would not be unreasonable.
29. Whilst the Councils reason for refusal on this matter also refers to overbearing impact and insufficient daylight, details of those elements of the scheme which are considered to cause harm in these respects are not provided.
30. I conclude that the proposed development would provide acceptable living conditions for future occupants, with regard to outlook, privacy and daylight. It would therefore not conflict with the Core Strategy Policy DMG1 which states that development should not adversely affect the amenities of the surrounding area and should provide adequate day lighting and privacy distances. It would also comply with the Framework requirement to secure a good standard of amenity for current and future occupiers.

Other considerations

31. The appellant states that part of this site is redundant for agricultural purposes and that this proposal would bring the whole area back into beneficial use. It is also suggested that this development would be small scale and would not involve the loss of any productive agricultural land. Furthermore, the development would provide modern, energy efficient homes.
32. The appellant also points to the national approach to encouraging the provision of appropriate forms of housing in the countryside through the permitted change of use of agricultural buildings to dwellings.
33. I am also aware that in submitting these proposals the appellant has sought to address the previous reasons for refusal relating to an earlier application for eight dwellings on this site (3/2014/0602). In this respect concerns about the scale of development have been addressed by the reduction in the number of units proposed from eight to four. Issues associated with the disturbance of the public right of way to the north of the site, and the provision of a suitable means of access have also been addressed.
34. However, I do not regard these considerations to be significant and therefore afford them limited weight.

Balancing exercise

35. I have found that the proposed development would constitute inappropriate development in the Green Belt. Whilst it would have a broadly neutral effect on openness it would, by definition, be harmful to Green Belt, harm which the Framework at paragraph 88 indicates should be given substantial weight. The scheme would also conflict with the up-to-date settlement policies in the Core Strategy and in this respect would not represent a sustainable form of development. I have also found that harm would be incurred in terms of the

impact of the proposed development on the character and appearance of the area. This adds further considerable weight against the proposal to that already identified.

36. Against this has to be balanced the fact that I have not found harm in relation to the living conditions of future occupiers, to which I attach moderate weight. I also considered factors in favour of the proposed development (other considerations) as outlined above. As I have attached limited weight to these considerations, on balance these factors would not clearly outweigh the harm that would be caused by this development. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist and the proposal would be contrary to Key Statement EN1 of the Core Strategy.

Conclusion

37. In light of the reasoning set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR