
Appeal Decision

Site visit made on 5 October 2016

by W Fabian BA Hons Dip Arch RIBA IHBC

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

Decision date: 12 October 2016

Appeal Ref: APP/T2350/W/16/3153754

Ellerslie House, Ribchester Road, Clayton le Dale, Blackburn BB1 9EE

- 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 Andrew Milligan against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0393, dated 26 April 2016, was refused by notice dated 28 June 2016.
 - The development proposed is a dwelling.
-

Procedural Matter

1. The submitted drawing indicates that the proposal is for a new dwelling within the garden of Ellerslie House, as applied for. However, an additional title on the drawing indicates that the address is 142, Ribchester Road, Wilpshire. I saw at my unaccompanied site visit that a property several houses further along the road on the same side as Ellerslie House is numbered 142. There is no doubt from the proposal drawing that Ellerslie House is the property referred to in the application and as shown on the drawings. Accordingly I shall determine the appeal in accordance with the address as detailed in the application.

Decision

2. The appeal is dismissed.

Application for costs

3. An application for costs was made by Ribble Valley Borough Council against Mr Andrew Milligan. This application is the subject of a separate Decision.

Main Issue

The main issue is the effect of the proposal on the character and appearance of the open countryside and whether the principle of development in this particular location would be justified having regard to development plan policy objectives for the strategic location of new housing.

Reasons

4. The proposed dwelling would be built in the large side garden (on a former tennis court) at Ellerslie House and would share the existing access from the main road. Three in-curtilage parking places would be provided as well as a turning space to enable vehicles to enter and leave the site in forward gear.

5. The long ribbon of houses along this stretch of rural road are extremely varied; mainly detached or semi-detached, mostly in large plots and in a wide range of styles, both single and two storey. There are sporadic gaps with open fields on both sides of the road, which increases the sense of intermittent rural development.
6. The proposed two storey brick house would be similar to some of the smaller houses in the vicinity and would have adequate space around it to maintain the sense of space along the road. The Council has raised no objection to the proposal in terms of character and appearance and I can see none; the style of the proposed house would blend easily with the varied mix of house types and styles in the immediate vicinity, both opposite and alongside the site. The Council has acknowledged that highway access and parking matters have been resolved. The appeal therefore turns on the principle of development on this site.
7. Policy DS1 of the Ribble Valley Borough Council Core Strategy 2008 – 2028 A Local Plan for Ribble Valley, 2014, (CSLP) mainly directs new housing development to the principle settlements of Clitheroe, Longridge and Whalley. In addition, the policy lists Tier 1 Villages, which are the more sustainable of the 32 defined settlements and Tier 2 Village settlements, which are the less sustainable of the 32 defined settlements. CSLP policy DMG2 states that development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision.
8. Although Wilpshire, nearby, is a Tier 1 Village, there is a recognisable form to that village, with undeveloped field gaps between it and the settlement of Clayton le Dale, where the appeal site is located. Consequently it is clear that the appeal site and its surroundings fall to be considered as part of an 'other settlement'. The policy allows for small-scale development in smaller settlements that are appropriate for consolidation and expansion or rounding off, for identified local needs. However, no case for local need has been put forward in relation to the appeal proposal. Further, CSLP policy DMG2 includes that development in Tier 1 villages should consolidate, expand, or round off development so that it is closely related to the main built up areas; this cannot be said to apply in this case where the site is part of a long ribbon of development, well away from the main built up area.
9. The appeal site lies some 400m outside the settlement boundary defined in the previous 1998 Local Plan as well as the recently updated Draft Settlement Boundaries, April 2016. As such it lies in an area defined as open countryside where CSLP policy DMH3 states that new dwellings should be limited to those essential for the purposes of agriculture or which meets an identified local need. Neither of these apply in this case.
10. With regard to paragraphs 49 and 14 of the Government's Framework¹, it is not disputed that the Council can demonstrate a five-year supply of deliverable housing sites. While the appellant suggests that this has not yet been fully built out, there is little evidence before me to suggest that this will not be achieved within the relevant plan period. As such the housing policies of the development plan are up to date and apply in this case.

¹ National Planning Policy Framework

11. The appellant has noted a residential annex granted approval as a separate dwelling in 2009 and a bungalow granted planning permission in 2013, both nearby. These both pre-date the current development plan, which forms the policy context for this appeal. Sustainability matters relating to access to transport, facilities and services from the site are not in dispute, but are not determinative considerations in this case.
12. My attention has also been drawn to a recent appeal decision² in the same district where the inspector noted that the presumption in favour of development explained in paragraph 14 of the Framework cannot apply here because housing policies are up to date (as set out above), but proposals that are otherwise acceptable should not be refused on the basis that a five year supply already exists. He also stated that windfall plots such as this must be determined according to their unique circumstances – as I have done in reaching by decision in this case. The site circumstances in that case were wholly different; the site was located close to Whalley, a principle settlement in the strategic policy. Since then also the draft settlement boundary document has been published for consultation and so attracts a little more weight than previously.
13. Matters of precedence, raised by the Council, are rarely a justification for refusing planning permission as each proposal should be determined on its own individual merits. However, in the context of numerous similar locations that I have seen along this stretch of road, approval of this appeal could make it more difficult for the Council to resist future similar applications for those sites and cumulatively this could undermine the Council's development strategy and exacerbate the harm identified in this case.
14. For the reasons set out above and taking all other matters raised into consideration, the proposal would harm the character and appearance of the open countryside, through the introduction of an additional new dwelling. It would fail to comply with development plan policy objectives for the strategic location of new housing. The appeal should be dismissed.

Wenda Fabian

Inspector

² APP/T2350/15/3003006