



Appeal Decision

Site visit made on 6 September 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2022

Appeal Ref: APP/T2350/W/22/3300027

Garth Cottage Clitheroe Road, Mitton, Clitheroe BB7 9PH

- 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 Ms Gwen Skillings and Mrs Jean Renwick against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2022/0387, dated 18 April 2022, was refused by notice dated 23 May 2022.
 - The development is described as 'change of use of one dwelling into two'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description from the application form, as there is no evidence a change was agreed.
3. Garth Cottage was constructed as a detached, replacement, two-storey dwelling under planning approval no. 3/2012/0135, granted on 5 April 2012. The submitted details state that since its construction the dwelling has been occupied as two independent residential planning units, however there is no evidence of continued lawful use.

Main Issues

4. The main issues is whether the site is a suitable location for housing having regard to the spatial strategy of the development plan, including whether there would be suitable access to local services and facilities.

Reasons

5. Garth Cottage is a detached dwelling situated within a cluster of residential and agricultural buildings and close to holiday lodge accommodation within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The appeal site is directly accessed from the B6243, which is a classified road connecting Clitheroe to Longridge, which is unlit and has no pedestrian footways. The development would subdivide the existing dwelling to form two independent dwellings. The garden would also be subdivided, and parking provided for each property.
6. The Council sets out in Key Statement (KS) DS1 of the Ribble Valley Core Strategy 2008 -2028 (Core Strategy) that it seeks to direct new housing development towards the principal settlements, which include Clitheroe, and the smaller Tier 1 and 2 settlements. The Council sets out its approach to apply

the presumption in favour of sustainable development in KS D2, and as such I find no conflict with this latter requirement.

7. However, Policy DMG2 of the Core Strategy applies the strategic principles contained in KS DS1. Outside settlements, as here, small scale development appropriate to a rural area would be expected to be evidenced by local housing needs surveys and assessments. I have no evidence that there is a clear or outstanding need for the creation of a new residential unit. Although, I sympathise with the sensitivities requiring certainty for the appellants in the future, as approved, the drawings show there would be sufficient space for all occupants to reside comfortably within a single dwelling, because of the level of accommodation provided.
8. Policy DMH3 of the Core Strategy lists a number of types of development considered suitable for a rural location including within the AONB. This includes the conversion of buildings for housing, provided they are in a suitable location. Whilst the appeal development would re-use an existing building of permanent construction, it would not be a conversion. However, paragraph 80 d), of the National Planning Policy Framework (the Framework) states that an exception to approving isolated homes in the countryside is where this would involve the subdivision of an existing residential building. Although Garth Cottage appears close to other built development, it is my view that it is physically remote from any settlement, such that it should properly be considered as isolated in terms of paragraph 80 of the Framework.
9. The aims and objectives of KS DMI2 and Policy DMG3 of the Core Strategy seek to attach weight to development which have good access in terms of walking and public transport. It also seeks to locate new development to minimise the need to travel. Similarly, the Framework promotes sustainable transport within paragraph 104. Notwithstanding the support provided in the Framework in paragraph 80 d) the appeal site is located on a narrow road which has no footpath, cyclepath or streetlights. Verges are sparse, or hedgerows tend to abut the road. Whilst there are holiday lodges in the vicinity of the site, these appear to be private and there are few services or facilities.
10. I noted on my site visit that the routes from the appeal site would mean future occupants of the development would have to walk in the highway. In the evenings the routes would be unlit, these would not be very safe or attractive routes to use. It would therefore be likely to deter many occupants from walking or cycling to other settlements. Whilst I have considered the Framework within paragraph 105, that sustainable transport solutions will vary between urban and rural areas, I consider that due to the existing roadway infrastructure, and absence of nearby facilities that the vast majority of journeys would be undertaken by private motor vehicle.
11. A shared household is also more likely to share journeys for all manner of activities compared to two separate households with an increase in the reliance on private vehicles to access services, and as such I can differentiate between the intensities of the approved dwelling and the proposal. In any event, the Framework advocates the creation of places that promote social interaction and encourage walking and cycling, thereby helping to provide inclusive and safe places which support healthy lifestyles.
12. It has not been demonstrated that the appeal site is in reasonable proximity to food shops or other facilities such as schools, churches, or medical services,

necessary to meet day to day needs of the future occupiers. Nor has it been shown whether the development would support local services where there are groups of smaller settlements, as noted within paragraph 79 of the Framework. The appeal site does not, therefore, have good or suitable access to local services and facilities.

13. I therefore conclude that the site is not in a suitable location for housing having regard to the spatial strategy of the development plan, including whether the development would provide suitable access to local services and facilities. Consequently, it would be contrary to KS DS1, DMI2 and Core Strategy Policies DMG2, DMG3 and DMH3 insofar as they relate to rural housing and seek to attach weight to development which has good access in terms of walking and public transport and locate new development to minimise the need to travel. The proposal would also be contrary to the aims of the Framework where it seeks to promote sustainable transport.

Other Matters

14. The policies within the Core Strategy pre-date the Framework, and paragraph 80 d) allows for the sub-division of dwellings. Accordingly, I find that the subdivision of the property meets the criteria within paragraph 80 d) of the Framework. However, the aims of the policies are consistent with the sustainable development aims of the Framework.
15. In relation to whether the proposed development is an isolated location, I have considered the Court of appeal ruling¹, which states "...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand".
16. Although there are similarities with the appeal decision² referenced by the appellant, unlike the appeal development, the Inspector acknowledges that it is located on the edge of Wilpshire, a Tier 1 settlement. The Inspector for that appeal acknowledges local services can be accessed, referencing the availability of public transport 400m from the site. Whilst I noted bus stops in the vicinity of the appeal site, as previously noted, there is no pavement, the roads are narrow with very limited verge and unlit. I also have no substantive evidence regarding the proximity to the Tier 1 settlement or the availability of public transport in the area, or whether this is accessed on similar roads, which limits the weight which I can attach to it in my Decision.
17. The appeal site is also within the AONB where Paragraph 176 of the Framework states that great weight should be given to conserving the landscape and scenic beauty. The appeal building already sits adjacent to existing dwellings and has an established curtilage and hardstanding parking area. As such, there would be no intrusion of development into the surrounding countryside which is designated as an AONB. Nor would there be any harm arising from the access, or to neighbouring or future residents.
18. The appellants information references that originally on site there was 'two separate dwellings, a dwelling and a flat'. I have been referred to the location

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

² APP/T2350/W/21/3285462

plan for 3/2012/0135. The drawings and application form for this application has also been provided. The application form in section 17) states the existing number of dwellings was 1. The location plan and drawings do not clearly delineate 3 properties, and I therefore do not have the evidence to attach weight to this.

Conclusion

19. Although the proposal would make a small contribution to housing supply, and to the economy from future occupiers, this carries limited weight given the scale of the development. The absence of harm in respect of highway access and safety, character and appearance of the area, landscape impact, including upon the AONB and living conditions of future and neighbouring residents carries neutral weight.
20. Paragraph 80 d) of the Framework allows for the sub-division of dwellings in isolated locations, and the above policies pre-date the Framework. However, the proposed development would not provide good or suitable access to local services and facilities and there would be an over reliance on private motor vehicles. I afford significant weight to the conflict with the development plan policies which are consistent with the sustainable development aims of the Framework.
21. In accordance with S38(6) of the Planning and Compensation Act 2004 development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. There are no material considerations of such weight, including paragraph 80 d) of the Framework, to outweigh the harm which I have identified with regard to the main issue to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.
22. For the reasons given above I conclude that the appeal should be dismissed.

K Williams

INSPECTOR