



Appeal Decision

Site visit made on 19 December 2022

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/T2350/W/22/3306104

Abbott's Quarry, Abbott Brow, Osbaldeston BB2 7HU

- 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 Kevin Taylor against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2022/0142, dated 7 February 2022, was refused by notice dated 21 June 2022.
 - The development proposed is conversion of an existing former smithy into a 1 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the whether the building would be suitable for conversion to a dwelling with particular regard to its location and the character and appearance of the area.

Reasons

3. The appeal site comprises land, buildings and structures that were formerly part of a quarry. Most of the buildings and structures on the site are derelict or in varying states of disrepair. Within the site, the only building that appears substantially intact is the former smithy subject to this appeal. This is a stone building that has undergone building works including works to its roof including what appears to be new rafters and roof slates and breezeblock to the end gable internal walls. The building has upvc windows and door. The proposed building appears as something of a lone building within the application site.
4. The site is located in a wider area of countryside although there are groups of buildings nearby including a detached house, Quarry Bank, to the east and a garage to the west. There are a group of buildings on the opposite side of the road. However, the site does not fall within any settlement boundary identified in the development plan. The nearest settlement is Mellor, most of which is to the south-east of the appeal site.
5. Key Statement DS1 of the Core Strategy¹ sets out the spatial development strategy for the plan area. This seeks to concentrate new housing development within an identified strategic site at Standen and that development will be focussed towards Tier 1 Villages, which are the most sustainable of the 32

¹ Ribble Valley Borough Council Core Strategy 2008 – 2028 A Local Plan for Ribble Valley Adopted Version, Adopted 16 December 2014.

defined settlements in the plan area and include Mellor. It goes on to state that in the 23 remaining Tier 2 village settlements, which includes Osbaldeston, development will need to meet proven local needs and regeneration benefits. However, whilst the site is addressed as Osbaldeston and nearest to Mellor, it is located in the countryside and therefore lies outside the defined settlement area. Neither Key Statements DS1 nor DS2 directly address the approach to or restrict proposals in the countryside and therefore, I find no specific conflict with those policies in this respect.

6. However, Core Strategy Policy DMG2 indicates that within open countryside, development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. It goes on to state that where possible new development should be accommodated through re-use of existing buildings, which in most cases is more appropriate than new build.
7. Further to the above, Policy DMH3 states that development in the open countryside will be limited to, amongst other things, the appropriate conversion of buildings to dwellings providing they are suitably located, their form and general design are in keeping with their surroundings and they are capable of conversion without the need for complete or substantial reconstruction. The limitations also include development essential for the purposes of agriculture or development for residential purposes that meets an identified local need.
8. In that particular regard, there is nothing before me to demonstrate local need or that the conversion is required for agriculture. The proposal would create a small one bedroom dwelling and I appreciate that this would provide affordable accommodation for a local resident. However, whilst I appreciate that this would have potential to meet his requirements to reside in this rural location, there is no conclusive evidence before me that the needs of this resident could not be met elsewhere. Furthermore, there is no legal mechanism put before me which seeks to restrict the occupancy of the dwelling. In such circumstances, it would be an open market dwelling and although there would be a small boost to local services and facilities, this would be limited as a result of the introduction of one dwelling and there is no evidence that this is essential to the local economy or social wellbeing.
9. The National Planning Policy Framework² does not preclude dwellings outside of defined settlements as a rule and encourages the re-use of buildings and previously developed land. However, it also requires planning decisions to contribute and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside. Such considerations align with the approach of Policy DMH3 insofar as its requirements relating to the general design which I consider below.
10. The external changes to the appearance of the building that have already taken place such as the addition of upvc windows and doors to its openings have started to erode its rural appearance. This would be exacerbated by the change of use as the site includes access to the building, but also a large area of land. As such allowing the conversion as proposed would create a large domestic curtilage and even if development within that curtilage were restricted by removing permitted development rights as suggested, the inevitable

² Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

domestication including gardens, provision of car parking and the introduction of associated residential paraphernalia would have an unacceptably adverse impact on the rural character of the area.

11. In reaching the above findings, I have taken into account that the site comprises various remains of buildings and structures, some of which are in a particularly poor state and I note that the appellant intends to tidy the site. Whilst this would potentially offer some limited improvements to the appearance of the wider previously developed surroundings it does not justify the domestication of the site arising from this proposal.
12. Policy DMH4 of the Core Strategy relates specifically to the conversion of barns and other buildings to dwellings and indicates that permission will be granted subject to meeting a number of relevant criteria to the proposal. In that respect, it is not a matter of dispute that the building is structurally sound. However, even if the building were not considered to be isolated in the landscape by virtue of forming part of a group of buildings with those closest by, the harm already identified in terms of the domestication of the site that would arise from the proposal reflects a materially damaging effect on the landscape qualities of the area, given the resultant contrast with the predominantly rural character of its location. The proposal, therefore, would not meet the requirements of Policy DMH4.
13. Having regard for all of the above, I conclude that the building would not be suitable for conversion to a dwelling as proposed, due to its countryside location and the resultant harm to the character and appearance of the area. The proposal, therefore, conflicts with Core Strategy policies DMG2, DMH3 and DMH4 as previously identified.

Other Matters

14. The site is relatively close to other buildings and the settlement of Mellor and I note the appellants reference to a bus service and accessibility to places further afield, in particular Clitheroe, Skipton and Preston. The proposal would contribute a single dwelling to the overall provision of housing in the Borough, with associated benefits to local economy during the construction phase and for local services and facilities upon occupation. Nonetheless, the benefits in those respects are limited by the scale of the proposal. Furthermore, those benefits do not alter that the site is outside of the nearest settlement and the conversion conflicts with the aforementioned Core Strategy policies.
15. I note that there are no highway objections to the proposal and no harm to ecology or other matters of biodiversity have been raised. I too have no concerns regarding these matters and therefore they are a neutral factor in my assessment.

Conclusion

16. The Framework does not change the statutory status of the development plan as the starting point for decision making. Based upon my findings, the proposal is not in accordance with the policies of the development plan insofar as the building would not be suitable for conversion to a dwelling as proposed, when taking account of its countryside location and the resultant harm to the character and appearance of the area.

17. The conflict with the development plan and the associated harm identified are significant and overriding factors. Consequently, the material considerations in this case when taken together, including the limited contribution to housing supply and associated benefits previously identified, do not indicate that the appeal should be determined otherwise than in accordance with the development plan.
18. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR