



## Appeal Decision

Hearing held on 11 July 2023

Site visit made on 11 July 2023

**by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> July 2023**

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**Appeal Ref: APP/T2350/W/22/3310867**

**Land at Higher Hodder Bridge (Field to South), Chipping Road, Chaigley BB7 3LP**

- 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 & Mrs Michael and Liz Bell against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2021/1008, dated 17 September 2021, was refused by notice dated 12 May 2022.
  - The development proposed is described as, 'New House of Exceptional Quality (NPPF Paragraph 80e) of Passivhaus Plus and Zero Energy design with associated landscaping and biodiversity enhancements'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. As the application form states only the property name and site coordinates as the site address, I have used the address from the appeal form in the interests of clarity.
3. During the appeal a revised location plan was submitted which shows the red line drawn tightly around the proposed buildings and access routes and the rest of the land outlined in a blue line. The change does not fundamentally alter the scheme and no parties would be prejudiced by my acceptance of the plan. I have therefore had regard to it in my assessment of the appeal.

### Main Issues

4. During the appeal the Council confirmed that they no longer wish to contest the reasons for refusal relating to highway safety and flooding. In addition, while I note the reason for refusal relating to the Forest of Bowland Area of Natural Beauty, these matters are included in my consideration of the main issue relating to paragraph 80e of the National Planning Policy Framework (Framework). Therefore, the main issues are:
  - whether the proposal would be isolated in the terms of paragraph 80 of the Framework;
  - whether the proposal would meet the policy exception for new dwellings in the countryside as set out in paragraph 80e of the Framework; and
  - the effect of the proposal on the Grade II listed Higher Hodder Bridge.

## Reasons

### *Isolation*

5. Policy DMH3 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Adoption Version Adopted December 2014 (CS) states the within areas defined as open countryside or Area of Outstanding Natural Beauty (AONB) on the proposals map, residential development will be limited to a number of circumstances.
6. There is no dispute between the parties that, as the site lies within an AONB and the proposal is for a new dwelling not for an agricultural, forestry or other essential worker, the scheme would conflict with this policy.
7. The proposal was put forward under paragraph 80e of the National Planning Policy Framework (Framework) which allows exceptions to the restriction on isolated dwellings in the countryside including if the design is of exceptional quality.
8. The site is accessed from Chipping Road and lies near the Higher Hodder Bridge and a number of dwellings. Some of the dwellings in the area appear to have been named after the bridge. However, the area has not been identified in the development plan as a settlement or in Ordnance Survey maps. While I note the presence of a post box and the evidence regarding a bus service, given the limited number of dwellings in the vicinity around this side of the bridge, I do not consider the area to constitute a settlement.
9. The proposed site itself is large and the proposed dwelling would be sited on the western part of the land in the Appellants' ownership. There are a number of dwellings including Hodder House along an access road off Chipping Road. The secondary access for the proposed dwelling would be taken from the end of this access road. The distance from the proposed dwelling to the closest neighbouring building at Hodder House would be such that there would be a clear separation between the proposed dwelling and this group of buildings.
10. As such, even if the group of buildings in the vicinity of Higher Hodder Bridge did constitute a settlement, the proposed dwelling would be physically separate from it. The areas to the south, east and north of the wider site comprise largely of open countryside. Therefore, the proposed dwelling would be isolated in the terms of paragraph 80 of the Framework.

### *Exceptional design*

11. Paragraph 80 of the Framework restricts the development of isolated homes in the countryside unless one or more of a number of circumstances apply. The circumstance relevant to this appeal is part e) of the paragraph: the design is of exceptional quality, in that it:
  - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
12. *Truly outstanding and reflecting the highest standards in architecture.* The proposed building has been designed in a Georgian style and informed by a study of local country houses such as Browsholme Hall, Chaigley Manor and

- Bashall Hall and the work of George Webster such as at Downham Hall. As well as the main dwelling, the building would comprise stables set around a courtyard. The house would be set within a formal terrace and lawn and there would be extensive tree planting across the wider site.
13. In terms of sustainability, the proposal was designed to meet 'Passivhaus Plus' principles. The Appellants have promoted the scheme as the world's first traditional style building that would achieve this certification.
  14. The principle part of the dwelling would be two storey with accommodation in the roof space. Adjoining this there would be a rear portion that would be 'L' shaped and single storey, also with accommodation in the roof space. An orangery would connect to this space and lead to a loggia.
  15. The two-storey part of the house would be roughly square in plan and the front and side elevations would display a symmetry and include features such as timber sash windows, Ashlar stone quoins and slate tiles that are typical of Georgian country houses.
  16. The front elevation includes a projecting front porch with triangular pediment over Tuscan columns and tripartite windows. This 'Tower of Orders' reference local houses such as Stoneyhurst and Browsholme Hall. I also note that the architectural details of this element such as the design of the columns and tripartite windows were refined during the design process. The simplicity and refinement of this part of the building provides an elegance to the front elevation.
  17. As discussed during the hearing, the window proportions themselves were designed on a principle of 'golden ratio' that is typical of Georgian architecture. However, the windows appear small compared with the overall elevation. I acknowledge that the size of the windows was driven partly by the need to achieve Passivhaus Plus credentials. However, the overall Georgian character of the primary part of the dwelling is diminished in my view as a result.
  18. The main dwelling would also have a number of dormer windows on two sides of the building, including the front elevation. While not unusual in Georgian architecture, from the evidence before me, the use of dormer windows in the examples of local Georgian country houses is limited. Moreover, given the simplicity of the rest of the front elevation, the dormer windows visually detract from the projecting porch feature as well as the overall composition of the front elevation.
  19. The southwest elevation would face the River Hodder, parts of which would be relatively close to the proposed building. This elevation would include a projecting semi-circular bay, the roof of which would provide a balcony for the bedroom above. This elevation would also consist of modest sized timber sash windows that would appear small compared with the overall elevation. As with the front elevation, the dormer windows, given their size and number, visually undermine the simplicity of the rest of the elevation.
  20. The single storey rear part of the building would be constructed of Millstone grit, the same stone as the two story part of the building. There would be a pergola of stone columns that would sit in front of floor to ceiling glazed doors. While the use of colonnades is not uncommon in Georgian architecture, the

floor to ceiling glazed doors would have a modern feel that would appear incongruous against the rest of the building.

21. The roof ridge of the single storey element was lowered during the design process to be lower than the stone parapet of the principle part of the building. However, the incongruity of the full height glazed doors together with the dormers would detract from the principle part of the dwelling despite being set back from the building line.
22. The orangery part of the building would also have a colonnaded element and the floor to ceiling glazing that would undermine the integrity of the Georgian character of the building. In addition, the lantern feature would project a notable distance above the roof detracting from the simplicity and lightness of the colonnaded element. Therefore, while this part of the building would be again set back from the building line and have a lower height than the other parts of the house, it would appear incongruous against the primary parts of the building. The overall effect of the southwest elevation would be a confused mix of architectural features that would detract from the prominence of the main two storey building.
23. Drainage of rainwater from the building is proposed to be via traditional rainwater pipes and hoppers. However, details of these including their location and spacing are not included in the elevations and have the potential to significantly alter the character of the building.
24. The stable buildings would be single storey with pitched roofs and rectangular plans that would be set around a courtyard. They would therefore have a traditional agricultural feel typical of the countryside location. However, they would have no particular features that would elevate their appearance above the ordinary. While other local houses may have attached stables, in this case, given their considerable footprint, the location of the stables close to the dwelling would detract from the prominence of the main part of the building.
25. The overall appearance of the building, particularly the front elevation could not be described as unattractive. I also note the comments of the design review panel and the interdisciplinary approach to the design of the building and site. However, for the foregoing reasons, the design would not meet the high bar of truly outstanding set by paragraph 80e of the Framework.
26. The proposal has been designed to deliver Passivhaus Plus certification. The Passivhaus approach is an internationally recognised standard for the design and construction of low energy buildings. The Passivhaus Plus certification includes a further reduction in energy consumption levels and combines onsite renewable energy generation. However, as mentioned by previous Inspectors of the decisions put before me, while commendable, the Passivhaus movement is well established as a means of achieving the highest standards of environmental construction. While the requirement for innovation is no longer included in paragraph 80e of the Framework, the Passivhaus certification in itself would not be outstanding.
27. The proposal is promoted as the world's first classically designed Passivhaus Plus Certified building and example of 'True Zero Carbon' site in that the predicted carbon emissions associated with the building would be offset against the predicted carbon saved through on site generation.

28. Other sustainability features of the building include the building fabric being petrochemical free and concrete free foundations. The classical style of the building would be integrated with the above features in a number of ways including through the build-up of the external walls and use of photovoltaic roof tiles on the stable building. This approach is commendable, and I recognise the limited number of schemes to have achieved the Passivhaus Plus certification, However, integrating these principles into a historic style of architecture, would not, in my view, meet the test of truly outstanding, particularly given the various visually detracting elements of the design identified above.
29. For the foregoing reasons, the design of the building would not be truly outstanding or reflect the highest standards of design.
30. *Help to raise standards of design more generally in rural areas.* The promotion of the world's first Passivhaus Plus certified classical building may well receive attention from the public. The scheme also proposes that the construction of the building would be carried out by traditional methods, and I do not doubt the Appellant's desire to promote traditional craftsmanship. However, securing this through conditions would be unlikely to meet the test of necessity.
31. Given that the building would not meet the test of being truly outstanding, the scheme would not help to raise standards of design in rural areas.
32. *Significantly enhance its immediate setting.* The site is located in a plot that primarily consists of open improved pasture. The land roughly slopes down towards the River Hodder which lies to the south of the site.
33. The immediate setting of the site therefore has an attractive open rural feel characterised by open views across the site consisting of grassland and trees at the edges of the plot.
34. There is a public footpath that passes along the other side of the river to the south of the site. As I observed during my site visit in July when the trees were in full leaf, there are clear views to the parts of the site where the dwelling would be sited through the substantial gaps in foliage. As the footpath is elevated above the level of the river, views would be roughly in line with the proposed building.
35. The hierarchy of the two storey part of the building, single storey part, orangery and loggia would be seen clearly from this public footpath. However, for the reasons given above, despite the reduction in height and stepping back of the elevations, the lower parts of the building and features such as the dormer windows and full height glazing would detract from the main two storey part and result in a confused composition. This would be visible from the public footpath to the south of the river.
36. Therefore, the proposal would have an incongruous effect on the immediate setting of the proposed building.
37. The proposal would result in a biodiversity net gain of around 35% and an increase of hedgerow, trees and new grassland. However, these would not override the harm that would result from the incongruous effect that the proposed building would have on its immediate setting.
38. *Be sensitive to the defining characteristics of the local area.* The site lies in the Forest of Bowland AONB and within Landscape Character Type I: Wooded rural

valleys as set out in the Forest of Bowland AONB Landscape Character Assessment dated September 2009 (LCA).

39. Specifically, the site lies within Landscape Character Area I7: Lower Hodder. The defining characteristics of this character area set out in the LCA include a mature landscape structure of deciduous single trees and patches of woodland which form a mosaic pattern alongside the pastoral fields.
40. A number of areas surrounding Landscape Character Area I7 are classified as being within Landscape Character Type G of which country houses are a feature. The wider area does include a number of country houses. However, as I observed during my site visit and time in the surroundings, the area local to the site is primarily characterised by a modest scale of buildings and farmland rather than large country houses.
41. Therefore, landscape characteristics of the local area align more closely with those described in the LCA under Landscape Character Area I7 than with the characteristics of Landscape Character Type G.
42. The proposed landscaping scheme includes significant areas of tree planting as well as formal gardens. It would introduce areas of enclosure as well as framing of views through the site. The proposal would meet many of the guidelines set out in the LCA for managing landscape change. However, the introduction of a large country house in this particular location would be contrary to the defining characteristics of the local area, which do not include such building types.
43. In summary, given the detracting elements of the design of the building, and that large country houses are not a defining characteristic of the local area, the proposal would not meet the requirements of paragraph 80e of the Framework.
44. Given my findings with regard to whether the proposal would be sensitive to the defining characteristics of the local area, the scheme would have an adverse effect on the Forest of Bowland AONB.

#### *Higher Hodder Bridge*

45. The Higher Hodder Bridge was built in the late 18<sup>th</sup> century and is Grade II listed. As stated in the Heritage Appeal Statement it demonstrates a high quality of civil engineering by Bernard Hartley who was the Bridge Surveyor for the West Riding County Council at that time. The stone plaque in the centre of the bridge is inscribed with the lettering 'Mitton Yorkshire: Chaigley Lancashire' which indicates that at the time the bridge was built, the river formed the boundary between Yorkshire and Lancashire. The bridge is constructed of Ashlar and rock-faced sandstone and its design includes two and a half elliptical arches as well as cutwaters of triangular section.
46. Therefore, the significance of the bridge, insofar as it relates to this appeal, lies in its evidential and historic value as an example of high quality late 18<sup>th</sup> century civil engineering.
47. The access to the site from Chipping Road would be taken from a point in the road that is in close proximity to the bridge. As such, the proposal lies within its setting. The setting of the bridge is characterised by the broad valley corridor of the River Hodder, farmland and deciduous woodland. While there

are a few modest dwellings in the area, large country houses are not a defining feature of the local area.

48. The proposal includes ornamental gates and stone stoops near the access to the road. The gates would signify the presence of a large country house and is intended to provide an impression of the style of the house.
49. However, the gates would be set back from the road by a substantial distance. Therefore, the gates and the bridge would be unlikely to be seen together. Moreover, the gates would not appear prominent from the bridge or the vehicular route to and from the bridge. In addition, the design of the gates could be controlled by a suitably worded condition.
50. The proposed house itself would be located a significant distance from the bridge such that views between the two would be very limited. While the extensive proposed tree planting would alter the character of the site, the changes would not appear incongruous or out of keeping when viewed from the road or the route to and from the bridge. The proposed house and landscaping would therefore not harm the setting of the bridge.
51. Consequently, the proposal would not harm the setting of the Higher Hodder Bridge. Therefore, it would not conflict with CS Policies EN5 and DME4 which seek development that would conserve and enhance the significance of heritage assets.
52. CS Policy EN2 relates to landscape and is not directly relevant to this main issue.

### **Other Matters**

53. I note the comments of the Inspectors for the cases put before me including at Little Hautbois, Moreton Paddox, West Cliffe, Icomb, Fitz, Rayleigh and South Widcombe. However, these generally relate to different districts and schemes that are different to the appeal proposal albeit a number are of a traditional style. They are therefore not directly comparable to this appeal and have not altered my overall decision.
54. I also acknowledge local support for the proposal as well as local concerns including with respect to the rear access as well as biodiversity and protected species. However, as I am dismissing for other reasons, these matters also do not alter my overall decision.

### **Conclusion**

55. For the reasons given above the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

*R Sabu*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Jonathan Easton KC – Kings Chambers – Counsel  
Sandy Fishpool RIBA – Rural Solutions – Architect  
Alex Robinson CMLI – Rural Solutions – Landscape Architect (Design)  
Matthew Jarvis CMLI – Rural Solutions – Landscape Architect (LVIA)  
James Ellis MRTPI – Rural Solutions – Planning Advisor  
Kit Knowles MEng – Ecospheric – Sustainability Engineer  
John Hinchliffe – Heritage Advisor – IHBC, RTPI  
Jan Maciag RIBA – on behalf of the Traditional Architecture Group Design Review Panel  
Mr & Mrs Michael and Liz Bell

### **FOR THE LOCAL PLANNING AUTHORITY:**

Piers Riley-Smith – Kings Chambers - Counsel  
Lyndsey Hayes – Head of Development Management and Building Control - Council  
Nicola Hopkins – Economic Development and Planning - Council

### **INTERESTED PARTIES**

Alexis De Pol – Planning Consultant on behalf of Mr and Mrs Lancaster

## **DOCUMENTS**

- Attendees list for appeal hearing on 11th July 2023 – Appellant
- Hardcopy of The Applicants View 2021 Michael and Liz Bell
- Forest of Bowland AONB Landscape Character Assessment by Chris Blandford Associates
  - Landscape Character I: Wooded Rural Valleys;
  - Landscape Character Type G: Undulating Lowland Farmland with Parkland;
  - Section 5 Future Forces for Change