



Appeal Decision

Site visit made on 14 August 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/T2350/W/23/3316709

Dove Syke Nursery, Eaves Hall Lane, West Bradford, Clitheroe, Lancashire BB7 3JG

- 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 Mrs Monika Brown against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2021/0877, dated 25 August 2021, was refused by notice dated 19 October 2022.
 - The development is proposed live/work unit in connection with the existing Christmas tree nursery and forest pre-school.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Main Issue

3. The main issue is whether or not the proposed development would be contrary to the spatial strategy for the local area, having regard to the location of the site.

Reasons

4. The appeal building was granted consent as an agricultural building, which included an office and staff facilities. It is a two-storey metal clad building. Historically the building has been used in association with a nursery horticulture/landscaping business and cider making.
5. The appellant purchased the site in 2017 as an existing Christmas tree business and they continue to grow Christmas trees. In 2019 the appellant ran forest school sessions and established the forest school in January 2020. In February 2021 planning permission was granted for the retention of the forest school. There have been previous applications for a dwelling at the appeal site which have been refused.
6. The appeal site is located outside of any defined settlement boundary. Whilst the proposal does not seek to erect a new dwelling, it includes residential accommodation and therefore planning policies relating to dwellings in the open countryside are relevant. Local planning policies seek to focus development to urban areas, and within development boundaries, but allows

for some development within the countryside provided it complies with exceptions.

7. Policy DMB2 of the Ribble Valley Borough Council Core Strategy 2008-2028: A Local Plan for Ribble Valley (2014) (CS) relates to the conversion of barns and other rural buildings for employment uses. It states that proposals for the conversion of buildings for employment purposes that include residential accommodation will be carefully assessed. Amongst other things, the policy requires the submission of a business plan in support of the proposal where residential accommodation is required as part of the scheme in locations where the council would otherwise restrict the creation of dwellings.
8. The terms 'carefully assessed' and 'business plan' are not defined or expanded upon. Furthermore, in contrast to policy DMH3 (which relates to dwellings in the countryside/ AONB), policy DMB2 does not state that an 'identified local need' is required or that 'a functional and financial test will be applied' or that the proposal should relate to an 'essential workers dwelling'.
9. Policy DMB2 also sets out the proportion of living accommodation to workspace. The scheme proposes to reuse the existing main building and would comply with the Council's required proportion workspace to living accommodation. This could be controlled by a planning condition and a further condition could ensure that the occupation of the residential accommodation is linked to persons employed in the business.
10. The appellant's case sets out the nature of the business use of the site including the Christmas tree nursery, forest school, honey production, and sets out a typical weekday and weekend timetable. In addition, they have highlighted problems they've encountered since the nursery opened, and security issues. The appellant considers that the planning history, and the operational/ daily labour requirement needs of the site meet the business plan requirement of policy DMB2.
11. In simple terms, a plan is to set out what you are going to do or how you are going to do something. A business plan is a detailed plan describing the future plans of a business. The site is located in an area where the council would otherwise restrict the creation of dwellings. A business plan would help to demonstrate that there is a long term need for a permanent on-site residential accommodation in the countryside, and that the enterprise has been planned on a sound financial basis. The appellant's submission does not constitute a business plan, which is a clear requirement of Policy DMB2. Thus, the appellant has not sufficiently justified the creation of residential accommodation located within the countryside.
12. The appellant and users of the forest nursery have stated that the nursery will be forced to close if permission is not granted for on-site accommodation. However, this has not been robustly demonstrated. For example, through a business case perspective or evidencing that there is an essential need for the appellant to live permanently at the site. Furthermore, the forest nursery was set up without there being planning permission for on-site accommodation. From a business plan perspective, it is unclear why activities have commenced on site without considering the implications of these activities, particularly if they are time consuming tasks and there is no lawful use for on-site residential accommodation.

13. The proposal would comply with paragraphs 82 and 84 of the National Planning Policy Framework (the Framework) which supports flexible working practices (such as live-work accommodation) and a prosperous rural economy. In addition, I do not dispute that the building has a genuine history of a rural enterprise use or that the proposal is for employment purposes or that the proposal would reduce commuting. I also recognise that there have been security issues at the site, and the appellant has valuable equipment, but it is not clear whether other measures have been considered.
14. To conclude, the appellant has failed to submit a business plan in support of the proposal and therefore has not robustly demonstrated that there is a long-term need for permanent on-site residential accommodation in the countryside. Consequently, the proposed development would be contrary to the spatial strategy for the local area, having regard to the location of the site. Subsequently, it would conflict with the overarching aims of Policies DMB2, DMG2 and DMH3 of the CS. These seek, amongst other things, to protect the open countryside and designated landscape areas to deliver both sustainable patterns of development and the overarching core strategy vision. It would also conflict with the Framework which seeks to promote sustainable development in rural areas. The matters highlighted by the appellant would not outweigh the conflict I have found. Similarly, the suggested conditions would not make the proposal acceptable.

Other Matters

15. The appeal site is located in the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The proposal would make use of the existing building and already has an area for car parking. Within this part of the AONB is also a hotel, caravan park and dwellinghouses. Taking into account the nature of the proposal and character of the surrounding area, the development would conserve the natural beauty of the AONB. This is a neutral consideration and does not weigh in favour of the appeal.
16. At the end of the lane is a Grade II listed building, Dove Sike, which is a two-storey dwelling. I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The scheme would not unduly interrupt views of the listed building, nor would it have any notable impact on how the heritage asset is experienced. This is due to the distance between the appeal site and the listed building, as well as the intervening vegetation and nature of the proposal. As such, I am satisfied that the development would have a neutral effect on the heritage asset and would preserve the special interest of the listed building. This is also a neutral consideration and does not weigh in favour of the appeal.
17. I have carefully considered the other matters raised by those supporting the proposal. These include that the proposal would enable the same level of service and care, the site benefits children (for example provides children with skills and knowledge to look after the environment, as well as grow in confidence), pollution can be avoided if they live on site. In addition, the proposal does not include building work, a petition, 24-hour role with responsibilities, dwelling in premises for years, shortage of childcare, and contribution to local community.
18. The forest nursery, and wider site, is clearly highly valued to many, and provides benefits to its users. I observed on my site visit that the site provides

a unique learning experience. It is clear that the owners work hard and are passionate about the enterprises.

19. The appellant has been occupying the living accommodation area without planning consent, and that should not amount to a positive consideration in support of the appeal. There is no robust evidence before me to demonstrate that the lack of on-site accommodation would harmfully compromise the quality of care provided. Furthermore, as stated above, it has not been robustly demonstrated that the nursery will be forced to close if permission is not granted for on-site accommodation. I recognise the benefits of the scheme, and of the enterprises, but on balance the other matters raised do not outweigh the conflict I have found.

Conclusion

20. I realise that this decision will come as a disappointment to those who supported the proposal. However, the benefits of the development, and other matters raised, would not outweigh the deficiencies that would arise as a result of the conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Consequently, the appeal does not succeed.

L Wilson

INSPECTOR