



Appeal Decision

Site visit made on 16 July 2025

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/T2350/W/25/3364871

1 2 3 Skirden Lodge, Wigglesworth Road, Slaidburn, Lancashire BD23 4SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Andrea Waddington against the decision of Ribble Valley Borough Council.
 - The application Ref is 3/2025/0093.
 - The development proposed is described as 'Alterations to existing building to form a two bedroom dwelling with car parking, garden and hard and soft landscaping'.
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Decision

1. The appeal is allowed and planning permission is granted for the alterations to existing building to form a two bedroom dwelling with car parking, garden and hard and soft landscaping at 1 2 3 Skirden Lodge, Wigglesworth Road, Slaidburn, Lancashire BD23 4SX in accordance with the terms of the application Ref 3/2025/0093 subject to the conditions in the attached schedule.

Preliminary Matters

2. While there are some differences between the parties regarding the application validation process, during the application stage the development description and some of the drawings were amended. I have used the agreed amended development description in the above header and have considered the application and appeal information provided. In relation to the amended development description, as the term 'curtilage' is not a 'use' of land, nor does it describe an act of development, for correctness, I have deleted reference to this.
3. The appeal site has planning permission for the construction of three holiday lets and this work has commenced on site. In determination of the application, the Council considered that, as this construction had not been substantially completed, the appeal building had no established lawful use. On this basis the Council concluded that the appeal building had a nil use and could not be classed as a conversion under Policy DMH3 of the Ribble Valley Borough Council's Core Strategy 2008-2028 (CS) (2014). However, on review of the appellant's appeal information, the Council now accepts that the appeal building is lawful, and the proposal can be considered against the conversion part of Policy DMH3 of the CS.
4. Notwithstanding this, the Council still refers to the building as having a 'nil use'. However, little evidence has been provided to support this view following acceptance that the appeal building is lawful. The holiday lets have not been fully completed, and the appellant has stated there is no intention to do so. From my observations of the building, it appears that it is still in a state of construction and has not been used for any other purpose. As such, the holiday let development is

still capable of being completed and I am not convinced it should be classed as 'nil use'. With no evidence to the contrary, I have removed the 'nil use' reference in the development description in the above header.

5. Further to the acceptance that the proposal can be considered as a conversion, the Council has also advised that the proposal now needs to be considered against Policy DMH4 of the CS which relates to the conversion of barns and other buildings to dwellings. While this policy was not considered in the Council's delegated report, and not referenced in the Refusal of Planning Permission, from the details provided it is relevant. As the appeal process has allowed an opportunity for comments to be made in relation to this policy, the appellant would not be prejudiced by it being considered in the determination of the appeal. I have therefore considered the proposal, amongst other matters, against Policy DMH4 of the CS.
6. The holiday let building is incomplete and there is some uncertainty whether it will be completed. However, there is little to suggest it could not be finished and brought into use if the appellant was minded. As such, I consider it is reasonable to consider the appeal on the basis that the building would be in use as holiday lets. Little compelling evidence has been provided to show this would be an unreasonable or inappropriate approach.

Main Issue

7. The main issue in determination of the appeal is whether or not the proposal would be in an appropriate location for development having particular regard to the settlement strategy for the area and accessibility to services and facilities.

Reasons

8. The appeal site consists of a corner piece of land next to a small group of residential properties located to the western outskirts of Tosside. Access is off a single lane track from Wigglesworth Road. On the appeal site there is a partly constructed single storey building which can provide three adjoined holiday let units, an agricultural building and a caravan. The main parties agree the appeal site lies outside of the defined settlement area of Tosside, within the open countryside and it is also within the Forrester of Bowland National Landscape.
9. The proposal would consist of the conversion of the holiday let building to a single storey two-bedroom dwelling with car parking, garden and hard and soft landscaping.
10. The development strategy for the area is set out in DS1 of the CS and Tosside is identified as a Tier 2 Village Settlement. Policy DS2 of the CS outlines the Council's approach to the presumption in favour of sustainable development. The strategic considerations for development are detailed in Policy DMG2 of the CS and this outlines that development in the open countryside will be supported if it is in keeping with the character of the landscape and it acknowledges the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. It further states that where possible new development should be accommodated through the re-use of existing buildings which in most cases is more appropriate than new build.
11. Specific to dwellings in the open countryside and the Area of Outstanding Natural Beauty (AONB), Policy DMH3 of the CS sets out the criteria where this would be

supported. This includes the appropriate conversion of buildings to dwellings providing they are suitably located, and their form and general design are in keeping with their surroundings. The policy also requires that buildings are structurally sound and capable of conversion without the need for complete or substantial reconstruction.

12. This policy is further supplemented by Policy DMH4 of the CS which details criteria where planning permission for conversions of barns and other buildings to dwellings will be granted. This, in broad terms, identifies a set of locational criteria (the first part of the policy) and a set of building criteria (the second part of the policy) which proposed conversions need to meet. Of these, it is contended by the Council that the proposal would conflict with building criteria 3 and 4. These criteria respectively require 'the character of the building and its materials are appropriate to its surroundings and the building and its materials are worthy of retention because of its intrinsic Interest or potential or its contribution to its setting' and 'the building has a genuine history of use for agriculture or another rural enterprise'. The Council accepts the proposal complies with the other locational and building criteria of this policy and I see little reason to disagree.
13. The Council confirms the proposal would not harm the appearance of the surrounding area and would conserve the National Landscape. When taking the proposal's reuse of the existing building, use of traditional materials, modest single storey height, its grouping with the existing surrounding properties and its corner positioning with a partial backdrop of woodland, it would improve the general appearance of the appeal site and have a positive impact on the landscape. The proposal would conserve the landscape characteristics set out in the Forest of Bowland AONB's Landscape Character Assessment 2009 including the area's open and distinctive landscape pattern, its development pattern and the nearby woodland features. Taking these facts together, there is no reason to disagree with the Council's view that the proposal would not harm the appearance of the surrounding area and conserve the National Landscape.
14. As the holiday let building has planning permission, in all likelihood and with no evidence to the contrary, the building and its materials were considered acceptable in terms of its potential and its contribution to the character and setting of the area. Accordingly, irrespective of this buildings age and lack of completion, there is little to imply the proposed building would not continue to offer the same potential and contribute to the setting of the surroundings in the same way. There is therefore little evidence the building is not worthy of retention.
15. Furthermore, the holiday let building benefits from a granted use, and this has been in place for a number of years. While the holiday lets have not been available during this time, no compelling evidence has been provided to show this granted use does not represent a genuine history of use. Nor has any substantive evidence been provided that the granted use does not represent a rural enterprise.
16. Consequently, the proposal would meet criteria 3 and 4 of Policy DMH4 of the CS.
17. In terms of location, the Council refer to the proposal conflicting with Policies DMG3 and Policy DMI2 of the CS which support development that is well related to the primary road network, can be accessed by sustainable transport modes and reduce the need for travel by private car.

18. The appeal site is located close to Wigglesworth Road which gives it good and direct access onto the main roads in the area. Tosside is within walking distance of the appeal site and, while it has few local services and facilities, there is a Monday to Saturday bus service which has an approximate two-hour frequency and connects to several places including the principal settlement of Clitheroe. This therefore provides some sustainable transport choice to local services and facilities. However, even with this, due to its limitations residents in the area are likely to also regularly travel by private car to access work, services and facilities and there is little to suggest this would not also apply to the proposal's residents. Nevertheless, the visitors to the holiday lets would potentially have also travelled by private car to access services, facilities and attractions. While there may be some differences in the travel pattern between the holiday let visitors and residents, the proposed single dwelling use would potentially reduce the number of private car journeys from that of three holiday lets and so reduce private car travel in the area.
19. Based on the above, it is evident that the proposal would largely conflict with Policies DMG3 and Policy DMI2 of the CS. While these policies are broadly in line with the promoting sustainable transport aims of Chapter 9 of the National Planning Policy Framework December 2024 (Framework), the Framework also recognises, as identified in the Land off Grafton Drive, Caldecote appeal (APP/W0530/W/17/3172541), that different policies and measures will be required in different communities and opportunities to maximise sustainable transport will vary from urban to rural areas. This recognition is also detailed in Paragraph 110 of the current 2024 Framework.
20. Taking this into consideration, it would not be unexpected for developments in an open countryside location to be more reliant on a private car. Furthermore, being a single dwelling, the proposal would have a very limited overall effect on sustainable transport needs and would be a more sustainable use to the three holiday lets. Accordingly, in this case, I consider that the conflict with the sustainable transport policies would not outweigh or unacceptably undermine the overall development strategy and settlement hierarchy as set out in Policies DS1, DS2, DMG2, DMH3 and DMH4 of the CS.
21. In support of the Council's view that the proposal would be less sustainable, reference is made to the dismissal of the Moran's Farm, Wiswell appeal (APP/T2350/W/25/3359254). However, this appeal was related to the removal of a restriction on occupancy on four holiday lodges and not for conversion to dwellings. As the development was not for dwellings, the Inspector considered the proposal only against Policy DMG2 of the CS and found it did not meet the 'essential to the local economy' criterion. While reference to 'less sustainable' was made by the Inspector, this was in relation to considering the definition of Tier 2 Villages and, little direct comparison of sustainability between tourism and residential use was given. The example appeal is therefore not directly comparable to the proposal before me and does not change my finding relating to sustainable use. In any event I have considered the appeal before me on its own planning merits and found the proposal would not be a less sustainable use.
22. The Council also refer to the dismissal of the Land off Hammond Drive, Read appeal (APP/T2350/W/24/3352340) on the basis that it supports the view that personal circumstances and the limited economic benefits of one dwelling were not sufficient to outweigh strategic policy conflicts and unsustainable locations. However, this appeal related to a new dwelling and not a conversion of an existing building.

Moreover, the Inspector found that the proposal did not meet any of the exceptions set out in Policies DMG2 and DMH2 of the CS; it harmed character and appearance; it did not preserve the settings of a number of listed buildings; it failed to protect trees, and it adversely affected the living conditions of the occupants of a neighbouring property. It is therefore evident that this example appeal had significant differences and more harmful effects than the appeal before me. As such it is not directly comparable and does not change my view regarding the appeal which I have considered on its own planning merits.

23. Policy DMH4 of the CS includes supporting text which states ‘the creation of a permanent dwelling by the removal of any condition that restricts the occupation of dwellings to tourism/visitor use or for holiday use will be refused unless it can be demonstrated that the unit will meet an identified local/affordable housing need in accordance with policy DMH1’. However, as accepted by the Council, this appeal is not related to the removal or variation of a condition and as such this part of the policy is not directly relevant.
24. The Council identify that they receive numerous enquiries and applications for holiday lets to be changed to residential use for a variety of reasons. However, applications and appeals must be considered on their own planning merits.
25. The loss of the three holiday lets would have some detrimental effect on the local economy. However, the use of the building as a dwelling would also have some positive benefits to the economy. No compelling evidence has been provided to show the proposal would unacceptably affect the rural economy or that there is a need to retain the accommodation to support tourism in the area.
26. In conclusion, I find the proposal would be in an appropriate location for development having particular regard to the settlement strategy for the area and the accessibility of services and facilities. It would accord to Policies DS1, DS2, DMG2, DMH3 and DMH4 of the CS. These policies weigh heavily in favour of allowing the appeal and are sufficient to outweigh the limited conflict with Policies DMG3 and Policy DMI2 of the CS.

Other Matters

27. At the application stage, the Council considered the proposal as a new build dwelling and there was a detailed consideration of an identified local need. However, local need is not directly relevant to the assessment of conversions and as such I have not considered this any further in the appeal.

Conditions

28. The Council has suggested a number of conditions, and the appellant has provided comments on these. I have considered the suggested conditions and the comments against the advice in the Framework and Planning Practice Guidance and have amended some for consistency and clarity. I have not included the Council’s suggested ‘Informative’ notes as they do not carry any legal weight and cannot be used in place of a condition.
29. For the avoidance of doubt and in the interests of certainty, I have included the standard time limit condition. For the same purpose, a condition is imposed requiring the development to be carried out in accordance with the approved plans.

30. To ensure the development maintains the character and appearance of the surrounding area I have imposed a condition for both the external materials including windows and doors to be submitted and approved by the Council. For this same reason, conditions have been included to remove permitted development rights (PD rights) to prevent building alterations, extensions and the attachment of renewable energy sources. As planning permission would be a separate requirement, the Council's suggested tail pieces relating to this have not been included. While I note the appellant's comments regarding these conditions, a key principle for the acceptability of the proposal is its lack of visual harm to the surrounding area. Allowing potential changes under PD rights would go against this. The conditions are therefore necessary, reasonable and there is clear justification for them as required by Paragraph 55 of the Framework. Furthermore, the suggested conditions are precise and only apply to the proposed development rather than an area-wide or blanket removal. They therefore comply with the Government's Use of Planning Conditions guidance.
31. Protection of the surrounding area from the potential encroachment through garden creep is necessary and a condition has been included to define the garden extent. Furthermore, as it is unclear if any other forms of boundary treatments (other than the native hedging), level changes and external lighting are to be included, to protect the character, appearance and the environment of the surrounding area, conditions have been added to ensure these are agreed. As part of this the references to 'curtilage' have been changed to 'garden'.
32. The proposed landscaping and some maintenance details are provided on the drawings and in the Planting and Landscaping Statement by Habitat Architecture dated January 2025 (Planting and Landscaping Statement). However, the details regarding the hard landscaping materials, any retained existing landscaping and maintenance extent are limited. To protect the character and appearance of the proposal and surrounding area a condition is necessary to ensure satisfactory landscaping is achieved and maintained.
33. The Preliminary Ecological Appraisal by Pennine Ecology (PEA) dated January 2025 and the Planting and Landscaping Statement include details for proposed ecological enhancements. However, some of the measures are not fully detailed such as their number and positions. Furthermore, there is also a requirement for Biodiversity Net Gain (BNG). Accordingly, in the interest of protecting biodiversity and species conservation, conditions for securing the PEA recommendations, the enhancements and BNG are required. As the requirements for a Biodiversity Gain Plan are detailed in the Government's Submit a Biodiversity Gain Plan guidance, I have not listed these in the condition. Furthermore, due to the importance of the protection of species of conservation, the ecological enhancements and BNG, I have made them pre-commencement conditions.
34. To protect neighbouring occupants from construction noise and traffic, a condition to restrict the hours of construction working is appropriate. A condition is also appropriate to secure the proposed parking and turning area prior to occupation to prevent parking nuisance and obstructions to the access. Conditions are also required to ensure the access is partly surfaced to prevent debris being taken onto the public highway and for the provision of cycle storage to promote sustainability.

35. Finally, conditions are necessary to protect against flooding and pollution of the water environment. Due to the importance of the surface water requirement I have made it a pre-commencement condition.

Conclusion

36. For the reasons given above, I conclude that the proposal would comply with the development plan as a whole and having had regard to other matters raised, I conclude that the appeal should be allowed.

J Symmons

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings:

Location Plan Drawing No: A0.0 Rev1
Proposed Site Plan Drawing No: A1.2 Rev1
Proposed Plans Drawing No: A1.5
- 3) Notwithstanding any description of materials in the application and the requirements of Condition 2 of this decision, samples or full details of all materials including windows and doors to be used on the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority prior to their use on the development. Such details shall include the type, colour and texture of the materials. The approved materials shall thereafter be implemented within the development in accordance with the approved details.
- 4) Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the garden.
- 5) Notwithstanding the provisions of Classes A to I of Schedule 2 Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no renewable energy sources shall be attached to the dwelling hereby permitted or placed within its garden.
- 6) The garden hereby permitted shall solely relate to the area within the confines of the red edge boundary as indicated on Location Plan Drawing No: A0.0 Rev1.
- 7) Prior to first use of the development hereby permitted, details regarding the alignment, height, and appearance of boundary treatments, fencing, walling,

retaining wall structures and gates to enclose the identified garden shall be submitted to and approved in writing by the Local Planning Authority.

The approved boundary treatments shall be erected and maintained as such within 2 months of first use of the development hereby permitted.

- 8) No change in land levels shall be undertaken on the development hereby permitted unless precise land level details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
- 9) No external lighting shall be installed on the development hereby permitted until details of a scheme for any external building or ground mounted lighting/illumination have been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

The development shall be carried out in strict accordance with the approved details.

- 10) Notwithstanding the details shown on the approved plans and the requirements of Condition 2 of this permission, within three months of development commencing a landscaping scheme for the site (including elements of both 'hard' and 'soft' landscaping) shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the proposed surface treatment of all hard surfaced areas and the type, species, siting, planting distances and programme of planting of any trees and shrubs.

The approved landscaping scheme shall be carried out within 12 months of the dwellinghouse first being occupied and the areas which are landscaped shall be retained as landscaped areas thereafter.

Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

For the avoidance of doubt all trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.

- 11) No development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to and approved in writing by the Local Planning Authority. The details shall be submitted on a

dwelling/building dependent bird/bat species development site plan and include details of the numbers of artificial bird nesting boxes and artificial bat roosting sites. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated. The artificial bird/bat boxes shall be installed in accordance with the agreed details before the dwelling is first brought into use and retained thereafter.

- 12) The development hereby permitted shall be carried out in complete accordance with the recommendations detailed on pages 9 - 11 (Evaluation and Recommendations) of the submitted Ecological Appraisal titled 'Preliminary Ecological Appraisal - Skirden Lodge' by Pennine Ecological dated January 2025.

In the event that any bats/great crest newts/badgers or any other protected species are found or disturbed during any part of the development, work shall cease until further advice has been sought from a licensed ecologist.

- 13) Prior to the commencement of development, a Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

The Biodiversity Gain Plan shall be prepared in accordance with the submitted Biodiversity Gain Assessment by Pennine Ecology dated January 2025.

- 14) Construction works, shall be restricted to between 0800 and 1800hrs Monday to Friday, 0900 to 1300hrs on Saturdays, and shall not take place on Sundays and Bank Holidays.
- 15) The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan Drawing No: A1.2 Rev1. Thereafter the onsite parking provision shall be so maintained in perpetuity.
- 16) The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
- 17) Secure cycle storage suitable for 2 bicycles shall be provided within the development hereby permitted.
- 18) No development shall commence until a detailed, final surface water sustainable drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the sustainable drainage and principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval should include, as a minimum:

- Details of whether the site is greenfield or previously developed in terms of drainage;
- Assessment of the hierarchy of drainage options;
- Details of the contributing area;
- Restricted discharge rate;
- On-site surface water storage;
- Allowances for climate change and urban creep;
- Above ground, multifunctional SuDS components; and
- Arrangements for management and maintenance.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

- 19) The dwelling shall be drained via separate systems for the disposal of foul and surface water.