Planning Inspectorate

Appeal Decision

Hearing held on 24 June 2026

Site visit made on 24 June 2026

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2026

Appeal Ref: APP/T2350/W/24/3339770
Land adjacent to Further Lane, Mellor, Blackburn, Lancashire BB2 7QB

- 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 Mr Hussain against the decision of Ribble Valley Borough Council.
- The application Ref is 3/2022/0988.
- The development proposed is Erection of 1no. private dwelling with landscaping.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Mr Hussain against Ribble Valley Borough Council. The outcome of that application is the subject of a separate decision.

Preliminary Matters

3. This decision supersedes that issued on 8 August 2024 which followed a Hearing held on 23 July 2024. That decision was challenged and the decision was quashed by order of the High Court.

4. I have taken into account and considered the previous appeal decision as a material consideration. I accept that I have come to different conclusions on a number of matters to the previous Inspector including on issues that were not subject to the successful challenge which necessitated the redetermination of the appeal. However, taking account of case law[1] drawn to my attention by the Appellant, I have evidenced the reason for the positions I have arrived at within this report. As the Appellant accepts, the previous Inspectors' findings are not binding and my duty is to redetermine the appeal afresh.

5. The development plan for the area consists of the Ribble Valley Core Strategy (2014) (CS). Policy KS EN1 relates to the Green Belt. However, that policy is inconsistent with the Framework with regard to development proposals within the Green Belt as it has a much more restrictive approach. In terms of new buildings, it seeks to limit those for the purposes of agriculture, forestry, essential outdoor sport and recreation and cemeteries. I therefore afford greater weight to the Framework[2] with regard to my consideration of the Green Belt.

[1] R(Davison) v Elmbridge Borough Council [2019] EWHC 1409 (Admin) & R(Fox Strategic Land and Property Ltd) v Secretary of State [2012] EWCA Civ 1198 and the High Court in Vallis v Secretary of State [2012] EWHC 578 (Admin).
[2] National Planning Policy Framework 2026.

6. It was confirmed at the re-opened Hearing that the Council did not have concerns over the proposal with regard to any effect on the setting of the nearby heritage assets within their own right other than the effect of the proposal on the setting of the grade II listed Woodfold Park and Garden (RPG).

7. For the same reasons as those set out within my consideration of the RPG, the proposal would not harm, but nor would it enhance the significance of either the Grade II listed Woodfold Hall or the Orangery which are located within the RPG.

8. The previous Inspector considered the proposal under an earlier version of the Framework[3]. The Hearing for the redetermined appeal was held when a later version of the Framework[4] was in place. Following the closing of the re-opened Hearing, a further revised Framework (2026) was published. My decision has been made having regard to the most recent version of the Framework.

9. In the lead up to the re-opened Hearing there was communication between the main parties with regard to an updated Statement of Common Ground (SoCG) although this was never agreed.

10. Biodiversity Net Gain (BNG) could be achieved in the form of an uplift of approximately 81% in habitat units and approximately 45% in hedgerow units. These gains could have been secured via condition had I been minded to allow the appeal.

11. The application was originally refused by the Council in part due to concerns over the site access arrangements as well as concerns surrounding ecological impacts. With regard to the former matter, the Councils statement ahead of the original Hearing in 2024 indicated that it no longer wished to maintain grounds of refusal on that matter. With regard to the latter issue, I was advised at the re-opened Hearing that the Council no longer had concerns around ecological matters. Those matters could have been addressed by conditions had I been minded to allow the appeal and I shall not consider them further.

12. On the day of the re-opened Hearing, I was advised that the Council had revised its earlier position such that it now considered the proposal would meet the requirements of Policy HO11:1.e.i. of the Framework. They accepted that the design would be of exceptional quality in that it would be truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas. I have no reason to come to any other conclusion and I will not consider that matter further.

Main Issues

13. The main issues therefore are:

    a) whether the proposal would be inappropriate development in the Green Belt having regard to Policy GB7 of the Framework;

    b) the effect on the openness of the Green Belt;

    c) the effect on the setting of the RPG;

[3] National Planning Policy Framework 2023.
[4] National Planning Policy Framework 2024.

d) whether the proposal would represent an isolated home in the countryside which would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area under policy HO11:1.e. ii.; and

e) whether any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

14. The appeal site is adjacent to Further Lane within a rural part of the district, set away from the A677 Preston New Road in a comparatively elevated position on a ridge of land where levels broadly fall away on each side. To one side of the site, beyond Further Lane the land is largely within agricultural use comprised of fields interspersed with trees and hedgerows.

15. Beyond the other boundaries of the appeal site, and as agreed between the parties, materially outside of the application site, sits the RPG[5]. Within the RPG are further heritage assets, many of which benefit from their own individual listing.

16. The proposal relates to the provision of a large dwelling described as a villa of neo-classical style within a parkland setting as well as other features including a driveway, terrace, mausoleum, temple and obelisk along with landscaping.

Whether inappropriate development in the Green Belt

17. Framework Policy GB6:1. sets out that development in the Green Belt is inappropriate unless it falls within one of the categories in Policy GB7:1. One such exception is GB7:1. e. The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential) which would not cause substantial harm to the openness of the Green Belt.

18. The Green Belt Addendum Statement[6] explains that the PDL across the site extends to some 3,807m^2. This is broken down as Barns and Shed 486m^2, Containers 28m^2 (supporting hardstanding), Static Caravan 44m^2 (supporting hardstanding), Tank 68m^2, Manége 771m^2 & Driveway and Yard 2410m^2.

19. However much of that PDL including the Manége, driveway and yard are concentrated towards its western end. Substantial parts of the site comprise of grazing land and would not fall to be considered as PDL.

20. The whole site could not therefore be considered to be PDL. The two elements of the proposal which would occupy the largest footprints, the house, which would cover an area of 858m^2, and the associated driveway which would cover an area of 860m^2, would be located predominantly towards the eastern end of the site where the majority of the land remains undeveloped and therefore not PDL, other than for a very small stable on a concrete pad.

21. Given the location of PDL on the site in comparison to the location of the most substantial elements of the development proposed along with the nature and scale of the existing development on site, this is not therefore a case where the proposal would represent the redevelopment of previously developed land. Regardless of

[5] Which is on the heritage at risk register.
[6] Incola Landscape Planning, March 2026, by Robert Hughes for Mr Hussein.

the level of harm to the openness of the Green Belt, the proposal would not therefore meet the exception under Policy GB7:1.e. of the Framework.

22. With regard to Policy GB7:1.g., the land to which the appeal site relates does not strongly contribute to Green Belt purposes a) to check the unrestricted sprawl of large built up areas, b) to prevent neighbouring towns merging into one another or d) to preserve the setting and special character of historic towns. The site would therefore meet the definition of Grey Belt land.

23. The site represents a small part of a much larger Green Belt, and the development given its limited scale in that context, would not undermine the purposes of the remaining Green Belt across the area of the plan. The criteria of Policy GB7:1.g.i. are met.

24. With regard to Policy GB7:1.g.ii. the proposal is for a dwelling and a recent appeal decision[7] found that the Council has a Housing Land Supply (HLS) of just 3.45 years, which is accepted by the Council. There is therefore a demonstrable unmet need for the type of development proposed. The criteria of Policy GB7:1.g.ii. is therefore met.

25. To meet the requirements of Policy GB7:1.g.iii. the site would have to be in a sustainable location. The appeal site is located away from the A677 from where bus services are available to Blackburn and Preston. The A677 is accessed via Further Lane.

26. However, Further Lane is a rural road and does not benefit from a footway or lighting and the appeal site is set at a notably higher land level than the road, which means there is a significant incline to negotiate when accessing the appeal site from the A677. Further Lane does not form an inviting link between the site and the A677. The opportunity to choose to take up more sustainable modes of transport would therefore be limited for many people, especially during darker times of the year or during spells of poor weather.

27. I accept that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, Policy TR3:1.a. of the Framework states that ‘development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical’.

28. The house would be large and would incorporate 6 bedrooms, garage space for at least 5 cars, a pool and a spa as well as an extensive range of rooms for other purposes. Given its size and range of facilities, it would be able to house many occupants and/or visitors and would be likely to generate servicing and delivery requirements associated with its facilities and size. Within the context of the rural area, comings and goings to this house are likely to amount to a significant amount of movement. The location does not limit the need to travel, particularly by private car, and does not offer a genuine choice of transport modes for residents and users. The proposal therefore conflicts with Policy TR3:1.a. of the Framework.

[7] APP/T2350/W/25/3372635, Land to South of Chatburn Old Road, Chatburn, BB7 4QG – date of decision 7th January 2026.

29. I note the points made about transport movements associated with the permitted use at the site and accept that electric vehicles are becoming more commonly owned and used. However, none of those points persuade me that the site is in a sustainable location given the nature of Further Lane and the separation of the site from the A677. The criteria of Policy GB7:1.g.iii. are therefore not met.

30. Therefore, as the proposal does not meet all of the criteria of Policy GB7:1.g. of the Framework, the proposal does not fall into a category of development deemed not inappropriate in the Green Belt. The development does not fall into any other category within Policy GB7:1 identified as not inappropriate within the Green Belt and is therefore inappropriate development within the Green Belt. The proposal would conflict with Policy KS EN1 of the CS.

Effect of proposal on openness

31. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual aspects.

32. I note that the footprint comparison between that which is existing and that which is proposed would see a significant reduction. However, as set out above, much of the existing footprint is associated with the manége, driveway and yard. I observed on my site visit that these features had very little impact on the openness of the Green Belt given they are not features which create any notable volume.

33. Moreover, the proposal would result in a substantial increase in built volume on the site from 1,911m^3 to 10,131m^3. These figures ignore the caravan and containers as they are excluded from the Appellants assessment as 'temporary structures' but even if I had included their volume, the increase would still be huge.

34. I noted the land levels on the site which appear to rise slightly towards the end of the site where the main bulk of existing built volume on the site is located. The new dwelling would be set against an existing established area of tree planting.

35. However, the same is the case at the opposite end of the site where existing buildings are set against a substantial grouping of trees. Even accounting for the topography of the site, given their low-slung nature and position at the end of the site tucked neatly against the woodland, I consider that those buildings have less impact on openness than the proposal and in any event, they do not justify a further reduction in openness.

36. The proposed dwelling would be tucked away from views from areas such as Mellor Brook as demonstrated by viewpoint 9 within the LVA[8]. Nevertheless, it would be visible from outside of the site, in particular from points on Further Lane at the eastern end of the site. It would also be likely to be visible from the adjacent dwellings at Woodfold Park Farm along with the access road which serves other nearby dwellings. This would particularly be the case at times when the existing and proposed planting were not in leaf. The dwelling, and its significant bulk by reason of its volume would therefore be visible to many people. The proposed landscaping would eventually provide some screening but landscaping does not remove a loss of openness because the built development remains.

[8] Land off Further Lane, Woodfold Park, Lancashire – Landscape and Visual Appraisal, Draw Design & Assessment November 2022.

37. Taking all of the above into account, I conclude that the development would have a significant adverse impact on the openness of the Green Belt in both spatial and visual terms. I must afford substantial weight to the harm to the Green Belt.

Effect of proposal on setting of RPG

38. The significance of the RPG lies within its origins as a park laid out in the late C18 to accompany the country house known as Woodfold Hall. The significance of the park is in part historical through its associations with cotton manufacturer and financier Henry Suddell. The RPG also incorporates visual significance associated with the extensively arranged grounds, parkland and planting which can still be understood when visiting the RPG. There is also architectural significance, primarily derived from the listed buildings within the RPG, the nearest of which to the appeal site are Woodfold Hall and The Orangery.

39. However, relative to the appeal site, the RPG broadly extends away to the south where the landscape falls away allowing views of the parkland extending out from Woodfold Hall. The principal focus for the RPG is therefore away from the appeal site on the southern side of the ridge. This is shown within the sketch detailing the topography shown on page 8 of the letter from Jan Maciag[9].

40. Subsequently, despite the close physical proximity, the appeal site has a distinct visual and functional separation from the RPG. The appeal site therefore makes a neutral contribution to the setting of the RPG and the proposal would therefore have a neutral impact on its setting. The proposal would not detract from the significance of the RPG.

41. There would be no conflict with Policy DME4 of the CS which amongst other things seeks to conserve the significance of heritage assets and their settings and states that proposals which harm the setting of or cause loss of significance to registered parks and gardens will not be supported.

Whether the proposal would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area

42. Policy HO11:1.e.ii. of the Framework states that development proposals for isolated homes in the countryside should only be supported where the design is of exceptional quality in that it would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

43. The proposal is designed as a villa within a parkland setting and it would therefore be sensitive to the characteristics of the wider local area which is in part characterised by country houses set within substantial grounds. The Traditional Architecture Group (TAG) conclude that the proposal would be a great asset to the surrounding area including the historic context. I consider that the proposal would be sensitive to the defining characteristics of the local area.

44. When the site was within active use and the grass subsequently shorter, the effect of the equine use can be seen within the evidence, with extensive fencing runs and poaching of the paddocks[10]. The landscape plan for the site as a parkland would include a lake and meadow along with a wide range of planting, allowing for

[9] Proposed Private Dwelling – Land adjacent to Woodfold Park, Blackburn – Observations for refusal reason #4 by Jan Maciag February 2024.
[10] Incola Landscape Planning, Green Belt Statement of Case, February 2024 – Figure 3.4 & Figure 3.6.

dedicated views of the dwelling. There would be some screening offered through the planting to the more modern parts of the dwellings at Woodfold Park Farm. The wall adjacent to the RPG would be restored.

45. I was made aware at the re-opened Hearing that the site had not been in active use for a period of time and am aware that the active use could resume. However, I was struck at the time of my visit in high summer by the pleasant appearance of the site which appeared as an extensive and attractive meadow.

46. Whilst I appreciate that previously the site was less attractive, when I saw it the grass on the site was long, so that the equine use was not obvious, and the grown vegetation served to partially obscure the existing built features of the site including enclosing and shielding the timber fencing. The site has a distinctly rural character.

47. Taking account of these matters, I cannot conclude that permitting such a large amount of built development on the site would offer enhancement to the character and appearance of the area.

48. To comply with the Framework the proposal would have to significantly enhance its immediate setting. In addressing this point, the follow up review by TAG[11] states that 'the treatment of the landscaped areas as parkland and with the additional hedging proposed enhances the local area and creates the appropriate setting for a house of this quality'. Further specialist design advice states[12] that 'the current setting does not have a particularly strong character and so the proposed house and new landscaping will inevitably lift the quality, character, and significance of the otherwise modest pastureland'. Both positions are fairly restrained in terms of the scale of benefit of the proposal with regard to its immediate setting.

49. Further, the site is also bounded by countryside on the other side of Further Lane which in the main is of a pastoral nature, being characterised by fields with hedgerows and planting. It is unclear how the proposal including the planned parkland design, which would contrast with the more active pastoral land use, would enhance that part of the immediate setting.

50. The word significant indicates that it is a high bar that should be met. There is nothing within the evidence which convinces me that the proposal would meet that high bar such that it would significantly enhance its immediate setting.

51. To conclude on this main issue the proposal would not significantly enhance its immediate setting and it would therefore fail to meet the requirements of Policy HO11:1.e.ii. of the Framework.

52. Given the proposal would not detract from the character and appearance of the area, there would be no conflict with policy DMG1 of the CS which amongst other things broadly seeks design which is appropriate to its surroundings.

Other considerations

53. BNG would be provided in excess of the general mandatory requirement. There would also be some economic and social benefits in terms of local spend and

[11] Traditional Architecture Group - TAG PEER REVIEW- WOODFOLD VILLA, SHORROCK GREEN, MELLOR, 30 September 2022 dated 17th October 2022.
[12] Jeremy Musson, Design Consultant Letter to Mr Shaw of 12th February 2024.

employment and in terms of payment of council tax. In addition, a single dwelling would be provided set against the HLS position of just 3.75 years. However, these benefits are only modest and I give them only a moderate amount of weight in favour of the scheme.

54. The design of the house would be truly outstanding and I note the direction provided within Framework Policy DP3:5, however within its context it would cause significant harm to the openness of the Green Belt and erode the countryside in this location. Therefore, I do not give any overall positive weight to the design of the house as context is critical to design quality.

55. I have been provided with details of other cases in other Council areas in relation to both a planning application and an appeal case[13] where other Policy HO11:1.e houses have been permitted within Green Belt land. However, these appear to be different designs on separate sites with differing settings and surrounds. Both of those proposals were found to significantly enhance their immediate settings. These schemes do not therefore weigh in favour of the proposal and do not bind me to make a positive decision on the case that is before me.

56. Set against the benefits, there are a range of factors weighing against the scheme. Given that the proposal would not significantly enhance its immediate setting it would not meet the requirements of Policy HO11:1.e. ii. As none of the other exceptions applicable to isolated homes in the countryside apply, the Framework indicates that a dwelling in this location should not be supported. Policy S5 of the Framework states that development proposals comprising isolated homes should not be approved other than in accordance with Policy HO11.

57. Given the unsustainable location, the proposal would conflict with KS DS1 and policies DMG2 and DMG3 of the CS which amongst other things aim to focus new housing within principal settlements and higher tier villages, require the protection of the environment and which require considerable weight to be afforded to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development. This weighs against the scheme.

The Green Belt Balance

58. The proposal would constitute inappropriate development in the Green Belt and would harm openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. The very special circumstances necessary to justify it do not exist. The proposal would conflict with the development plan as a whole.

Conclusion

59. The appeal should therefore be dismissed.

T Burnham

INSPECTOR

[13] The Osier House, Lancashire – West Lancashire Borough Council, Land Adjacent Brackenwood - Appeal Ref 6002654 City of Bradford Metropolitan District Council.

APPEARANCES

FOR THE APPELLANT:

James Strachan, KC

Francis Shaw

Jan Maciag

Jeremy Musson

Ian Dieffenthaller

Rob Hughes

Dominic Rigby

Kathryn Jukes

Kate Felus

Matt Massarella-Gill

FOR THE LOCAL PLANNING AUTHORITY:

Shemuel Sheikh, Counsel

Kathryn Hughes

Ms Tuck

Nicola Hopkins

INTERESTED PARTIES:

David Smith

Shokat Dalal

Samiya Dalal

Peter Thompson

DOCUMENTS SUBMITTED DURING HEARING

Draft SOCG incorporating suggested conditions

Site visit viewpoints map

The Osier House decision notice and officer report

Conditions as agreed between main parties

Appellant Costs Application

Council Costs Response

Appellant final Costs comments

DOCUMENTS SUBMITTED AFTER HEARING

Comments from main parties on 2026 Framework and Appeal Decision 6002654 with supporting documents