

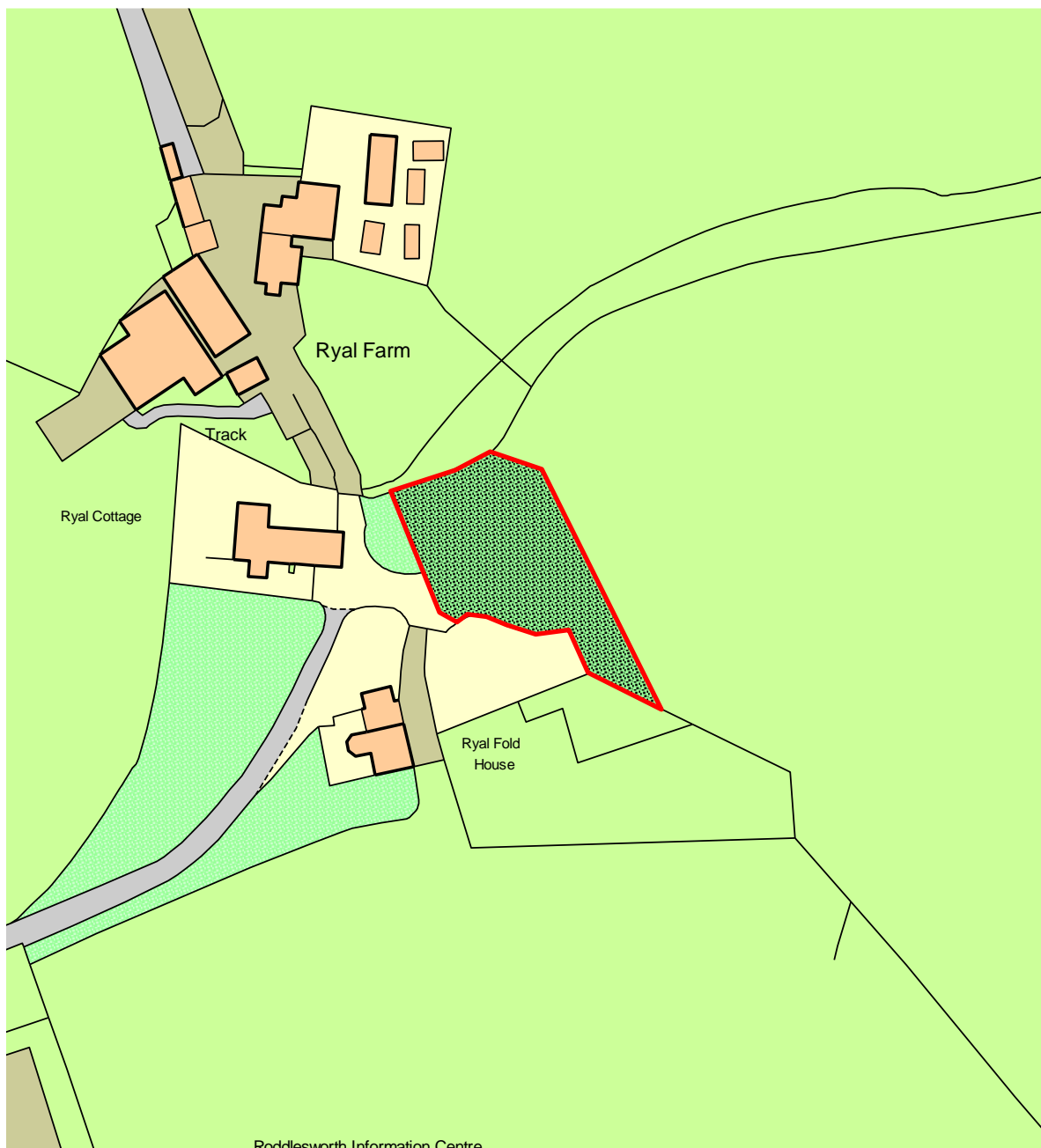
**Proposed Development: Change of use of land to include in residential garden (Use Class C3) and erection of a double storey side extension to form annex.**

**Site Address: Ryal Fold Barn, Tockholes, BB3 0PB**

**Applicant: Mr Graham Prescott**

**Ward: Darwen West**

**Councillor Dave Smith  
Councillor Brian Taylor  
Councillor Stephanie Brookfield**



## **1.0 SUMMARY OF RECOMMENDATION**

1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the applicant is related to the Planning Manager. In addition, public objections have been received from 3 addresses.

2.2 The proposed development has been publicised through letters to residents of the nearest 5 properties on 19<sup>th</sup> July 2023. A site notice was displayed on 20<sup>th</sup> July 2023. In addition, residents were renotified on 24<sup>th</sup> August 2023 upon the receipt of amended information. A total of 6 public comments have been received objecting to the application so far. The objections raised principally relate to the potential for harmful landscape impacts to be caused, the nearby presence of listed buildings and the fact that trees have been previously felled on site. Should any further comments be received ahead of the committee meeting they will be presented as part of an update report.

2.3 The Council's development plan supports new householder developments and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.

2.4 The proposals broadly involve extending the garden area of Ryal Fold Barn and erecting a two-storey side extension off the north elevation to form a 1 bedroom annex for use by a relative.

2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process or capable of being controlled or mitigated through appropriately worded planning conditions.

2.6 The key issues to be addressed in determining this application are follows;

- Establishing the principle of development
- Assessing any design and landscape character impacts
- Assessing impacts on nearby heritage assets
- Safeguarding the amenities of the immediate neighbours
- Assessing highways impacts and parking provision
- Ensuring land contamination does not pose a risk
- Ensuring appropriate drainage systems are installed

### 3.0 RATIONALE

#### 3.1 Site and Surroundings

3.1.1 The application site is a barn and associated grounds, which is located within the hamlet of Tockholes and as part of an allocated Countryside Area. The building currently benefits from an extant permission to be converted into a dwelling, which is detailed below in Section 6. The site is positioned within an area known as 'Ryal Fold', which is populated by predominantly stone faced buildings. The existing building is traditional in its form with stone elevations, a blue slate roof and minimal openings. Fencing of various styles defines the site boundaries.

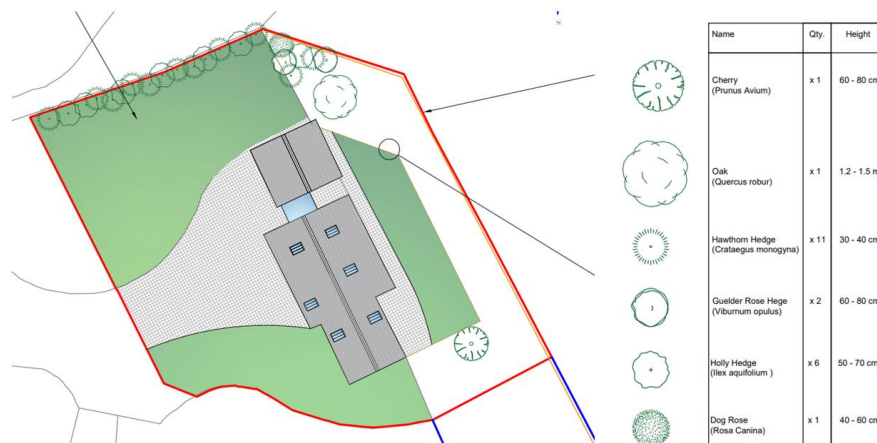
Figure One – Satellite image of the site and Location Plan



#### 3.2 Proposed Development

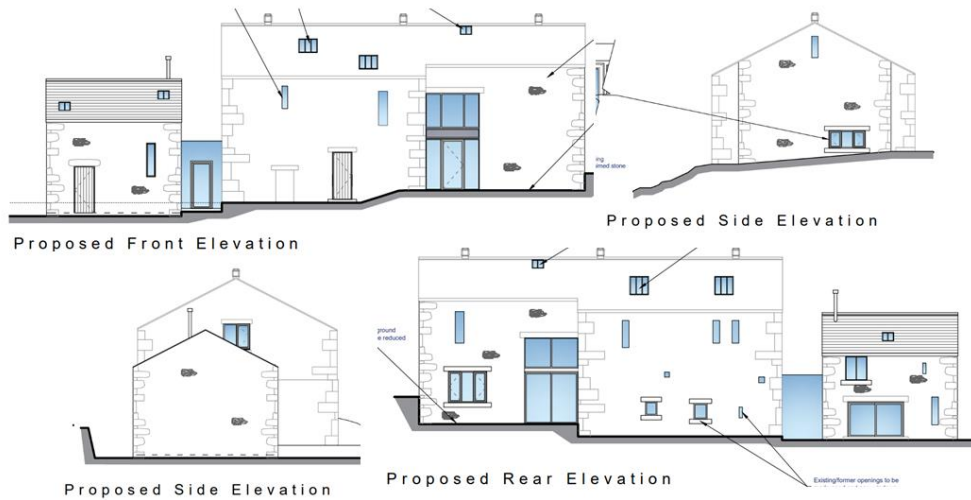
3.2.1 As detailed above, this planning application broadly involves extending the garden area of Ryal Fold Barn and erecting a two-storey side extension off the north elevation to form a 1 bedroom annex for use by a relative. Once extended, the garden area would be circa 0.3 acres in area. New planting, a driveway and a small patio area would be formed within the extended garden. The planting mix would comprise of a number of native species. New timber post and rail fencing would also be installed along the east site boundary.

Figure Two – Proposed Site Plan and Planting Schedule



3.2.2 The proposed annex extension would have a lounge, kitchen and toilet room on the ground floor with a bedroom and shower room on the first floor. It would have a depth of 6.9m, a width of 6m and a dual-pitched roof up to 6m in height. Natural stone and slates would be used to externally finish the extension. Openings would be inserted to three elevations with a glazed link extension installed to the south elevation providing an internal connection with the existing barn.

Figure Three – Proposed Elevations



### 3.3 Case Officer Site Photos



### 3.4 Development Plan

#### 3.4.1 Local Plan Part 2 (2015):

- Policy 5: Countryside Areas
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People

- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 25: Residential Curtilages
- Policy 39: Heritage
- Policy 41: Landscape

#### 3.4.2 Residential Design Guide Supplementary Planning Document (SPD) (2012)

- Policy RES E1: Materials
- Policy RES E9: Two-Storey Side Extensions
- Policy RES E5: Over Development

#### 3.4.3 BwD Adopted Parking Standards (2014)

- 4+ bedrooms: 3 car spaces and 2 secure cycle spaces per dwelling

#### 3.4.4 The Conversion of Buildings in the Countryside Supplementary Planning Guidance (SPG)

### **4.0 ASSESSMENT**

#### 4.1 Procedural Matters

4.1.1 Public comments have been received regarding the response dates displayed on public consultation documents and the fact that the applicant is related to the BwD Planning Manager.

4.1.2 The response dates displayed on public consultation documents invariably differ when multiple documents are issued, as is the case here. Reconsultation letters have also been posted and the correct notification procedures have been duly followed.

4.1.3 The fact that the applicant is related to the Planning Manager has emerged during the course of the application. An amended application form has been submitted acknowledging that fact. Moreover, the application is being referred to committee for determination to ensure further transparency in the decision making process.

#### 4.2 Principle of Development

4.2.1 As detailed above, the site is located within an allocated Countryside Area. Policy 5 does not specifically support the types of development proposed here. That said, Policy 25 supports the extension of garden areas provided that the development does not lead to any detriment to visual amenity or to the character of the surrounding landscape. Concerns have been raised in public comments regarding the principle of development.

4.2.2 Amended plans have been submitted during the course of the application and the garden area has been reduced to the south of the existing barn. The area

of land proposed for the garden area is already separated from surrounding landscape by fencing. Aside from the annex extension, only hard and soft landscaping works are proposed within the extended garden area. Furthermore, once covered the barn would not benefit from any householder permitted rights as the development was supported under the prior approval route and those rights are removed by default for any dwellings approved via that route.

- 4.2.3 When those factors are considered collectively, the proposed garden extension would not lead to any material detriment to visual amenity or to the character of the surrounding landscape and that aspect of the proposals is acceptable in principle. The same outcome is also applicable in relation to any development applied for within the boundaries of the extended garden that is incidental to the existing dwelling. Whilst it is acknowledged that a condition was imposed on 10/21/0734 limiting the size of the garden area, any subsequent successful planning applications to increase the size of the garden would effectively override that condition.
- 4.2.4 There is no requirement to comply with the Conversion of Buildings in the Countryside SPG here as the principle to convert the existing barn to a dwelling has already been established. Specific concerns have been raised in public comments around the nature of the accommodation and the lack of need for a glazed link. The glazed link would provide a physical connection between the existing barn and proposed annex and such features are relatively common to this type of development. A condition is recommended to prevent the annex being operated as an independent dwelling given the isolated nature of the site. Subject to compliance with that condition, the proposed annex would also be acceptable in principle.
- 4.2.5 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters:

#### 4.3 Design and Landscape Character

- 4.3.1 The site is positioned within a rural area and within a cluster of buildings that are scattered and organic in their layout. Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity. In addition, Policy 41 states that development will be permitted provided there is no unacceptable impact on landscape character or the principal traits associated with it.
- 4.3.2 The Design SPD reiterates those requirements in the context of residential developments. Policy RES E1 states that materials used in residential extensions will normally be required to match those used in the existing property. In addition, Policy RES E9 states that two-storey side extensions should not form obtrusive features within the streetscene. The general front

building line must be respected and the roof design must be appropriately integrated with that of the existing property by using a pitched roof on the extension itself. Any new roofline must be secondary to the existing building in terms of height. Concerns have been raised in public comments in relation to design and landscape character.

- 4.3.3 The proposed annex extension would be viewed as a relatively contemporary addition to the existing barn through the use of modest proportions, patio doors and a glazed link. Its scale would appear appropriately subservient to the existing barn with the use of matching materials and irregular opening arrangements ensuring a certain level of visual consistency is achieved. A condition is recommended to control the quality and finish of any external construction materials to be used so that a satisfactory form of development is achieved.
- 4.3.4 Any landscaping impacts caused by the garden extension are covered above in Section 4.2 and they would only be slight. The laying of driveways and patios is commonplace in the context of barn conversions and the proposed fencing does not require planning consent in its own right. A condition is recommended to remove any relevant permitted development rights from the extended garden area in order to preserve openness and greenery within the site.
- 4.3.5 An acceptable Landscaping Scheme has been submitted with the application. A further condition is recommended to ensure the development is landscaped in accordance with that scheme to ensure it positively integrates with the wider surroundings. Specific concerns have been raised in public comments regarding the previous loss of trees on site. Whilst firmly discouraged, any non-protected trees can legally be removed by landowners from a planning perspective. None of the trees within this site are protected and the proposed landscaping scheme offers sufficient replacements when that fallback position is considered.
- 4.3.6 Subject to compliance with the above conditions, the proposed development would be acceptable with reference to design and landscape character, in accordance with the relevant requirements of Policies 11 and 41 together with the guidance of the Design SPD.

#### 4.4 Heritage Assets

- 4.4.1 The issue from a heritage viewpoint is whether the proposals would harm the setting of the adjacent Grade II\* and Grade II listed buildings (Ryal farmhouse and adjacent barn) which lie approximately 70-80 metres to the north of the site. Policy 39 states that development with the potential to affect any designated heritage asset, either directly or indirectly including by reference to their setting, will be required to sustain or enhance the significance of the asset. Concerns have been raised in public comments given the presence of nearby listed buildings.
- 4.4.2 The significance of the listed buildings lies in their aesthetic, evidential and historic context, primarily evidenced in the C17th listed building's fabric,



architectural form/appearance and contribution to the group. In this context, the listed buildings can be attributed as having *high significance*. The existing agricultural building is a historic structure that according to historical mapping is likely to have been constructed at a similar time to the listed buildings. From visiting the site it is evident that the existing barn and the listed buildings are visually and historically connected, thereby contributing to their setting.

- 4.4.3 Whilst the existing barn provides some contribution to the setting of the listed building, an acceptable distance would be maintained between the proposed annex extension and listed buildings. Furthermore, the proposals include the planting of trees along the north site boundary, which would provide a good level of screening between the proposed annex extension and nearby listed buildings, thereby lessening any potential impact. Therefore, the previously recommended landscaping condition is also necessary on heritage grounds.
- 4.4.4 Whilst the proposed annex extension will be a new and noticeable addition within the setting of the listed buildings, its design and materials would be sympathetic to both the existing barn and that of the nearby listed buildings. Furthermore, its modest proportions and scale would result in the proposed annex appearing as an ancillary and subservient addition when related to the existing barn. The glazed link, whilst a modern addition, would provide some visual separation between the existing barn and proposed annex. Furthermore, the feature would provide distinction between the 'old and new', which is often a desirable outcome when historic buildings are extended.
- 4.4.5 Regarding detailing, it is unclear if the proposed rooflights would be of a conservation style based on the submission documents. Such rooflights should be used here given the age and setting of the existing barn. Therefore, a condition is recommended to control those details. Subject to compliance with that condition, the proposed development would be acceptable with reference to heritage assets, in accordance with the relevant requirements of Policy 39.

#### 4.5 Residential Amenity

- 4.5.1 Residential properties are positioned nearby and safeguarding the amenities of the immediate neighbours is an important material planning consideration. Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the general relationship between buildings. Concerns have been raised in public comments on residential amenity grounds.
- 4.5.2 Owing to ample separation, the proposed annex building would not appear overbearing or cause any harmful privacy impacts for the immediate neighbours. Furthermore, the use of a larger garden area for an existing dwelling would not pose any complications in the way of noise and disruptions. A condition is recommended to control construction working hours, as advised BwD Public Protection. The condition is necessary to minimise disruptions for neighbours from the construction phase.



4.5.3 Losses of private views are not material planning considerations and there would be no losses of public views to a point that would justify refusing the application. Overdevelopment has been raised in public comments yet the parameters of such an outcome are established by Policy RES E5. All residential developments must be able to function without impacting on neighbouring properties whilst also ensuring the existing property can meet its own servicing requirements in terms of parking, bin storage etc. The proposals would not conflict with those requirements.

4.5.4 Subject to compliance with the above condition, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy 8 together with the guidance of the Design SPD.

#### 4.6 Highways and Parking

4.6.1 The proposals involve the use of an existing access point from Tockholes Road. Policy 10 requires all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highways users. Off-street vehicle parking should also be provided in accordance with the adopted Parking Standards. Concerns have been raised in public comments on highways grounds.

4.6.2 The proposed driveway would offer sufficient parking and manoeuvring space for the main dwelling and proposed annex. On that basis, no adverse implications would be caused for the surrounding highways network once the development becomes operational. Furthermore, the site has adequate land to ensure safe delivery of the construction phase.

4.6.3 The site is accessed by a private road and the upkeep of such roads is a civil matter. Any disagreements in that respect should be resolved outside of the planning process and between users of the road. As proposed, the development is thus acceptable with reference to highways and parking, in accordance with the relevant requirements of Policy 10 together with the adopted Parking Standards.

#### 4.7 Land Contamination

4.7.1 The development involves the formation of new residential accommodation and land contamination must be assessed on that basis. Policy 8 contains requirements to ensure development proposals on previously developed land can be remediated to a standard that provides a safe environment for users of the development whilst also ensuring contamination is not displaced.

4.7.2 BwD Public Protection has reviewed the merits of the application and no objections have been raised. A condition has been advised to control the potential for contamination to be unexpectedly encountered during redevelopment works, which is recommended to be added. Subject to compliance with that condition, the proposed development would be acceptable

with reference to land contamination, in accordance with the relevant requirements of Policies 8.

#### 4.8 Drainage Assessments

4.8.1 The submitted application form states that surface waters would be drained with the use of a Sustainable Drainage System (SuDS). Policy 9 requires all development proposals to be served with appropriate drainage systems. BwD Drainage has reviewed the merits of the application and no objections have been raised.

4.8.2 A condition has been advised to control foul and surface water drainage provisions, which is recommended to be added. Subject to compliance with that condition, the proposed development would be acceptable with reference to drainage assessments, in accordance with the relevant requirements of Policy 9.

#### 4.9 Wider Considerations

4.9.1 Further concerns have been raised in public comments regarding the fact that no ecology reports have been provided with the application. However, there is no requirement to provide such details with this type of application and such assessment were undertaken for the existing barn as part of application 10/21/0734. Those comments, therefore, have no material influence on the assessment of this application.

#### 4.10 Summary

4.10.1 This application involves the change of use of land to include in residential garden (Use Class C3) and erection of a double storey side extension to form an annex. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.10.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle and in terms of design and landscape character, heritage assets, residential amenity, highways and parking, land contamination and drainage assessments.

4.10.3 The proposed development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## 5.0 RECOMMENDATION:

**Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to the following conditions;**

- 5.1 The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

- 5.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (1:1250) (amendment submitted 24<sup>th</sup> August 2023), 002 – Revision C, 004 – Revision C and 005 – Revision A.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

- 5.3 The annex accommodation hereby approved shall at all times remain ancillary to the domestic function of 'Ryal Fold Barn' and it shall not be sold off, leased or rented out as an independent property at any point in the future.

REASON: In order to prevent the formation of an independent dwelling at this isolated site, in the interests of safeguarding the function of the Countryside Area, and to comply with the requirements of Policy 5 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.4 Prior to the commencement of any above ground works on site, details confirming the exact type all the external materials to be used in the construction of the development hereby approved, together with details confirming the types of doors and windows to be installed, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved materials and details.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.5 Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), and following the issuing of this decision, no development as specified in Classes E and F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of that Order shall be carried out on any part of the

site, without planning permission first being obtained from the Local Planning Authority.

REASON: In order to control certain forms of future development on site, in the interests of visual amenity and landscape character, and to comply with the requirements of Policies 11 and 41 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.6 No part of the development hereby approved shall be brought into use unless and until, the landscaping scheme as detailed on the approved plan '004 – Revision C' has been implemented in its entirety. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of 5 years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to ensure the development is adequately landscaped so as to positively integrate with its surroundings, in the interests of visual amenity and biodiversity, and to comply with the requirements of Policy 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.7 Prior to their installation, details confirming the exact type of rooflights to be installed as part of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of visual amenity and given the age of the existing barn, and to comply with the requirements of Policies 11 and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.8 Any construction works associated with the development hereby approved shall only take place between the hours of 8:00 – 18:00 Monday – Friday and 9:00 – 13:00 on Saturdays. No such works shall take place on Sundays or Bank Holidays whatsoever.

REASON: In order to minimise noise disturbances for neighbours from construction works, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.9 Should contamination be encountered unexpectedly during redevelopment of the site, all works should cease, and the Local Planning Authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and

agreed in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: In order to protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.10 No above ground works shall commence on site unless and until, a scheme for the disposal of foul and surface water from the annex hereby approved has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;
- a) Separate systems for the disposal of foul and surface water;
  - b) Details of proposed discharge points of surface water and outlet from a foul package treatment plant
  - c) Details of the package treatment plant, and;
  - d) Design details of any soakaway which must comply with Part H of the Building Regulations and include results of percolation test.

The duly approved scheme shall be implemented in its entirety prior to the annex being occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

REASON: In order to ensure adequate drainage measures are provided in support of the development, in the interests of securing sustainable development, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 10/21/0734 – Change of use of an agricultural building to a C3 dwelling – Prior Approval is given – September 2021.

## **7.0 CONSULTATIONS**

- 7.1 BwD Heritage Advisor – As I am required to do so, I have given the duty's imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments. Subject to further details (as noted above) or Condition, I consider the proposal would meet the statutory test 'to preserve', causing no substantive harm to the contribution made by setting to the nearby listed buildings. Therefore, no balancing exercise is required as per NPPF P.202. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accords with the policies of the Local Plan.
- 7.2 BwD Public Protection – No objections. Should this application be approved, a condition should be imposed to control construction working hours and unexpected sources of land contamination.

7.3 BwD Drainage – No objections. Should this application be approved, a condition should be imposed to control foul and surface water drainage systems.

7.4 Ward Cllrs

7.5 Summary of public responses:

- Conflicting information is stated on the publication documents
- The applicant is a relative of the Planning Manager
- A condition was imposed on the previous consent to limit the size of the curtilage
- The proposed garden extension may have an adverse suburbanising impact on the character of this rural area
- The development does not comply with the Conversion of Buildings in the Countryside SPG
- The proposed annex is not ancillary to the main building
- The proposed glazed link has no purpose
- The proposed extension is not good design
- The proposed annex extension would not be modest in scale or subservient to the host building
- Harmful landscape impacts may be caused
- Views of Darwen Tower will be obscured
- Overdevelopment of the plot may be caused
- The proposed height of the extension would not be secondary to the existing building
- Harmful impacts may be caused for nearby listed buildings
- The submitted Planning Statement does not appraise impacts on the nearby listed buildings
- Tress have been felled on site previously – email agent – Forestry Commission requirements
- Further degradation of the private access road may be caused
- No ecology reports have been submitted

**8.0 CONTACT OFFICER:** Christian Barton – Planning Officer

**9.0 DATE PREPARED:** 31<sup>st</sup> August 2023

## 10.0 SUMMARY OF REPRESENTATIONS

### **Objection – Mr Samuel Salthouse & Mrs Salthouse, Ryal Farm, Ryal Fold, Darwen, BB3 0PB.**

**Received: 09/08/2023.**

I am writing this letter to **OBJECT** to planning application **10/23/0564** Full Planning Application for change of use of land to include in residential garden (C3) and erection of a double storey side extension to form annex at Ryal Fold Barn, Tockholes, BB3 0PB.

I have lived at Ryal Farm for nearly 80 years and feel that I should comment about the proposed plans.

My objections are based on the following reasons:

\*The proposed extension is not in keeping with the area and doesn't have a positive impact on visual amenity.

\*The proposed extension is imposing due to its size and scale- this appears even more so because of its elevated position on the landscape.

\*The proposed extension is only 60 meters away from two Grade II\* listed buildings. This will impact how they are viewed within the setting. Ryal Barn has a history connected with these buildings and this will be lost with the proposed extension.

\*Ryal Barn will lose its identity and history as an agricultural barn with the proposed extension.

\*The proposed extension is dominating and won't be hidden by vegetation due to the applicant felling thirteen 200 year old trees on the site.

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### **Objection – Miss Jody Harrison, Ryal Cottage, Ryal Fold, Darwen, BB3 0PB. Received: 09/08/2023.**

I am writing this letter to **OBJECT** to planning application **10/23/0564** Full Planning Application for change of use of land to include in residential garden (C3) and erection of a double storey side extension to form annex at Ryal Fold Barn, Tockholes, BB3 0PB.

I have examined the plans and know the area very well as I live in Ryal Fold. The reasons for my objection is as follows:

The National Planning Policy Framework (NPPF) (2021:38) states that high quality, beautiful, sustainable buildings are fundamental to the planning and development process and should be visually attractive. I would argue that the annex adjoining the barn is not of good design and lacks character- it could possibly even be described as 'ugly'. The annex, although described as 'an extension' appears to look like a separate dwelling which is 'overbearing' and the site 'over-developed'. I would argue that this development is out of scale and imposing.

The Planning Statement references that the pitched roof of the proposed annex is secondary to the roofline of the host dwelling. It appears from the Figure 3 Elevations that this is correct, however the site is on a considerable slope and I would argue that the building although it may appear secondary,



is actually not. Please see Picture A to see how elevated the site is, especially from the public footpath that runs alongside Ryal Barn.

The 'glazed link' appears to have no functional use due to the annex having its own front door. On examination of figure 3 of the planning statement, it appears that the barn (which is one residential property) will have four front doors/access points. I would question if the annex is actually a separate property and the 'glazed link' is merely to appease the planning department? I would argue that the annex is not ancillary to the barn and that occupants of the annex do not have to rely on facilities/support from the main occupants. A separate dwelling of this scale is not appropriate for this site.

The 'glazed link' is also not sympathetic to the character of the building. I believe the 'glazed link' will change the fabric of the building and its external appearance and harm the host building. This unacceptable alteration to the building will be detrimental to the barns character as the 'glazed link' and annex will obstruct the main barn door which I would argue is the buildings principal feature. I would argue that the openings should continue to correlate with the barns former agricultural use. I believe the 'glazed link' and annex are not in keeping with the vernacular of the current buildings in the area. I believe the annex and 'glazed link' design could be significantly improved and are detrimental to the barns character and wider landscape. The annex does not respect the character of the landscape. I would have liked to have seen an outstanding design, using sustainable materials, that reflected the highest standards of architecture to enhance our local area and not just a 'box'.

The Planning Statement remarks that The Council Residential Design Guide Supplementary Planning Document (SPD) states that two storey side extensions (if you can call this an extension?) should not be an obtrusive feature on the street scene. I would argue that the annex and 'glazed link' will be obtrusive and they will not be the 'modest' addition that the applicants Planning Statement reports. Ryal Fold is an area that is often enjoyed by tourists and the local community due to a public footpath running through it. Jake Berry MP used the footpath and associated views for his latest campaign to 'protect our green spaces (Jake Berry MP Reporting Back, 2023) in which Ryal Barn can be seen in the background (Picture J). This public footpath displays the most amazing open countryside views. This area is widely known and used by the community as a great vantage point for which to stop and enjoy the view. Local landmarks that are enjoyed include Darwen Tower and Pendle Hill. These views are currently there to be enjoyed by everyone. The public views of Darwen Tower will be obscured due to the scale of the extension and 'glazed link'. I have attached pictures B, C and D. The pictures that make up the current Planning Statement omit these.

The Planning Document states that Ryal Barn is 'not a prominent feature of the landscape', however planner Mr Christian Barton believes otherwise and wrote in his previous Delegated Decision Officer Report (2021) that 'the site occupies a relatively prominent position from the public domain'. I would agree with Mr Barton when he states that Ryal Barn is in a prominent position, as the barn can be seen from many different public vantage points including Earnsdale Reservoir and Darwen Tower. There is no 'natural screening from existing vegetation when viewed from public vantage points' as the Planning Statement may have you believe- please see attached pictures F and E. I don't believe the vegetation to be planted proposed in the Planning Statement will provide a 'natural screen' of the building due to its enormity.

The Planning Statement remarks on making 'a positive contribution to visual amenity' and understanding the sites 'wider context'. I would argue that this is not the case- the loss of views impacts the residential amenity. The Planning Statement informs the reader about Ryal Farm and 'other residential dwellings' in the area. To add some context, the other dwellings in Ryal Fold consist

of a former farmhouse (dated 1670) and two former industrial workers housing dated around 1860. This proposal does not improve the quality and character of the area in line with the Local Plan Policies.

Ryal Barn is adjacent to two Grade II\* listed buildings- Ryal Farm and an associated barn. The Planning Statement claims that these buildings are 'some distance' from Ryal Barn so will have 'little impact' on it. I would argue that it cannot be disputed that the annex and 'glazed link' could impact the setting of Ryal Farm, as clearly a development that can be seen within a view of a listed building will impact it? Historic England and the Planning Act reference how planners must pay special regard to the desirability of preserving the setting of a listed building. Ryal Barn once had a functioning relationship with Ryal Farm and I would like to think that will still be obvious to the public when experiencing the area. Please see attached photos, G and H for context.

Looking at the applicants Planning Statement, I am confused to where the applicant will plant the mature trees to supplement the landscape? If an annex and 'glass link' are built at the side of the property it doesn't allow for the replacement of the destroyed mature trees that were removed previously or for the growth of new ones. The current plans only show the planting of two young trees, one Oak and one Cherry (both trees are not of a similar size or specimen to what was there before the applicant had acquired the plot). This is not 'adequately landscaping as to integrate with its surroundings' as per Blackburn and Darwen Council Local Plan Part 2, Site Allocations and Development Management Policies (2015).

Finally I also have some other points that you may be able to address as part of the planning process.

Ryal Fold is accessible via a 'Highway Not Maintainable at Public Expense' where maintenance responsibility falls to the owners of the property fronting that part of the road. There has been no maintenance to the road in front of Ryal Barn by the applicant and this part of the road is kindly being upkept by the farmer at Ryal Farm. The single width road is currently experiencing more traffic than is usual due to the development occurring at Ryal Barn. The road is frequently used by tourists and the local community, however on the 1<sup>st</sup> August 2023, when the applicant had a scaffold delivery made to the site, I was disappointed to watch vegetation along the road being destroyed by their delivery truck as they reversed down the lane- see photo I. I understand that the applicant was not there to supervise this- however this could have been avoided if someone was on site at the time of the delivery.

One of the previous planning application conditions for Ryal Barn (10/21/0734) states 'The curtilage of the dwelling hereby approved shall be solely limited to the area outlined in red on the approved plan 'Proposed Site Plan (1:500)' and the curtilage shall not be extended beyond that area whatsoever at any point in the future. Please could you advise why this has changed?

The planning notice was put up on the 20<sup>th</sup> July 2023, three days after the Parish Council met for their monthly meeting. This meant that the planning application could not be discussed by residents at the local Parish Council Meeting. The planning notice placed at the development site states there is a 24 day consultation period for comments, however the planning application on Blackburn with Darwen website states 21 days. I have spoken to Christian Barton at the planning department who has assured me that the 24 day notice will stand as correct.

It has also been discussed within the local community that the decision to grant planning has been pre-determined as the applicant is closely related to the planning manager who is named on the Notice of Planning Application. To ensure openness and transparency your planning application states 'with respect to the Authority, is the applicant related to a member of staff' to which the applicant has ticked 'no'. The planning application then goes on to state that 'a fair minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision

maker in the Local Planning Authority'. It is noted that on page three of the Planning Statement it mentions how 'the scheme has received support from BWD'.

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**Objection – Gary Hoerty Associates on behalf of Mr A Speakman, Ryal Cottage, Ryal Fold, Tockholes.**

**Received: 14/08/2023**

**Re: Our Client - Mr Andrew Speakman, Ryal Cottage, Ryal Fold, Tockholes, BB3 0PB. Representation relating to planning application 10/23/0564 for the change of use of land to include in residential garden (C3) and erection of a double storey side extension to form annex, at: Ryal Fold Barn Tockholes BB3 0PB.**

I am writing on behalf of our client Mr Andrew Speakman setting out his objection to planning application 10/23/0564 for "*the change of use of land to include in residential garden (C3) and erection of a double storey side extension to form annex*", at Ryal Fold Barn, Tockholes, BB3 0PB.

Ryal Fold Barn is a detached two storey barn of traditional construction which is located in close proximity to a number of other dwellings which include the applicant's property, which is the closest to it, and two listed buildings at Ryal Fold Farm.

We are aware that Prior Approval (under the 'Class Q procedure') was granted on 16 September 2021 for the conversion of the barn to a dwelling, to include a tightly controlled area of residential curtilage.

As was acknowledged in application 10/21/0734 on page 9 of the delegated report:

*As detailed above, the existing building is traditional in its vernacular form. The existing openings are limited in their extent and they correlate with its former agricultural use. Moreover, a number of public footpaths span the adjacent countryside and **the site occupies a relatively prominent position from the public domain.** The plans initially submitted would have resulted in unacceptable alterations to the existing building that would have been detrimental to its character.*

The emphasis on the site's prominence is ours, and it is clear from a site visit that the barn is in a prominent position and the erection of a detached two storey building on what is currently agricultural land in the Open Countryside will have a significant landscape impact

and will detract from the traditional barn. The immediate landscape has already been changed as a consequence of a number of mature trees having been cut down, which potentially if they were still standing would have prevented the proposed development due to the presence of their roots.

The resulting dwelling is reasonably large in size, with three en-suite double bedrooms. The proposed 'annex' is also large, being two storeys and providing an additional bedroom, living accommodation, bathroom and WC, in 54 square metres of accommodation. If planning permission is granted, and if the 'annex' is viewed as an extension to the house, the applicant will have benefitted from obtaining a very large house in the open countryside, which in other circumstances would prove very difficult, if not impossible, to secure. The supporting statement submitted with the application says that the 'annex' will be occupied by a relative. The 'annex' is detached from the barn and could be occupied independently. We do have to query whether in fact an additional, independent dwelling is being formed. This would not comply with national or local planning policy.

Local Plan Policy 5 states that within the countryside areas, planning permission will only be granted for development needed for the purposes of agriculture or forestry, or economic uses appropriate in nature and scale to the rural area. Extensive new residential accommodation does not fit those criteria.

Local Plan Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity. Good design is also promoted through Core Strategy Policy CS16. Local Plan Policy 41 states that development will be permitted provided there is no unacceptable impact on landscape character, or the principal traits associated with it. In our view, a large new detached building on a prominent site, close to existing public footpaths, and listed buildings will be visually intrusive and will have an adverse impact on the character of the area and the quality of the landscape. Furthermore, the proposal includes a change of use of land to provide a large garden area, significantly greater than that allowed in the Class Q proposal, for the new residential accommodation. This will have an adverse suburbanising impact on the character of this rural area.

The proposed new residential accommodation will be provided in a large new detached building. It will not be 'modest' in scale or subservient to the host building. As such it is our view that the proposal does not represent good design and does not comply with NPPF paragraph 130 or local design policies.

The Council's Conversions of Buildings in the Countryside SPG advises that conversions must be in keeping with the style of the building and respect the character of the landscape. The SPG advises that the building must be capable of conversion without the requirement for the addition of any two storey extension, or single storey extension which will increase the ground floor area by more than 20 square metres. It certainly does not support the provision of new detached residential accommodation. The guidance states that "*two storey extensions detract from the traditional form of any rural buildings which are traditionally simplistic in form.*"

The supporting statement submitted with the application dismisses the SPG due to its age (pre-Framework) and because it refers to a Local Plan policy that is not extant. The supporting statement errs in being so dismissive. The guidance is extant and has not been



replaced and is clearly promoted on the Councils website as a material consideration to planning applications for development that affects traditional agricultural buildings.

The SPG also advises that the curtilage to any proposed conversion should be minimal, relate to the position of the building to be converted and should follow traditional boundaries where possible. It advises that an excessive curtilage can detract from the rural setting of a building and that the size of curtilages should be no larger than necessary. In this case, there is no justification to provide such a large curtilage, which would significantly exceed that permitted under the approved Class Q approval.

The applicant's supporting statement acknowledges the presence of two listed buildings to the north of the site. However, the application does not include any assessment of the impact on the setting of those listed buildings. In addition, it does address the issue as to whether or not the building subject of the application is a heritage asset. In our view, the failure to adequately address heritage issues is contrary to NPPF Paragraph 194.

The application is not supported by any assessment of the impact on site ecology, which means that the Council is not able to fulfill the requirements set out in NPPF paragraphs 174 and 180.

In our view the proposal does not comply with relevant national and local planning policy and planning permission should be refused.

Our Ref: Spe/1126/3406/GH

Planning Objection in respect of application 10/23/0564 – Ryal Fold Barn

Photographs showing the prominence of the site in the landscape.





Our Ref: Spe/1126/3406/GH  
Planning Objection in respect of application 10/23/0564 – Ryal Fold Barn  
Photographs showing the prominence of the site in the landscape.



**Objection – Andrew Speakman, Ryal Cottage, Ryal Fold, Tockholes, BB3 0PB. Received: 21/08/2023.**

I am writing to you as a resident of your ward to state my concerns over a recent planning application.

My neighbour has submitted plans to build a large 2 storey annex and glazed link to a barn that was previously granted planning permission under the 'Class Q procedure'

I have a number of concerns about the proposed building as set out below;

- The building will be in a prominent location at the top of the hill visible from all public footpaths around the valley.
- This will be a new build set adjacent to a number of listed buildings circa 350 years old and is not in keeping with the areas heritage.
- The original permission under the 'Class Q procedure' sets out a very tight curtilage to the property, the new proposal seeks to extend this.
- Several trees have been cut down already, if these were still standing it would be unlikely the new building would fit on the plot.
- I have been informed by several residents that there is a family connection between our neighbour and a member of the planning department and feel this may influence a decision.

Given my concerns I engaged Gary Hoerty Associates to carry out an independent assessment and put together a planning objection on my behalf. They highlighted numerous additional issues with the planning application.

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