



The Planning
Inspectorate

DIRECTOR OF COMMERCIAL SERVICES	
- 7 OCT 2011	
FAO	Direct Line:

4037
LB

3/23 Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services:
Fax No:
e-mail:

0117 372 6102
0117 372 6372
0117 372 8804
heather.langridge@pins.gsi.gov.uk

Miss L Blatchford
Ribble Valley Borough Council
Development Department
Council Offices
Church Walk
Clitheroe
Lancs
BB7 2RA

Your Ref: 3/2010/0719
Our Ref: APP/T2350/A/11/2161186/NWF
Date: 5 October 2011

Dear Miss Blatchford

**Town and Country Planning Act 1990
Appeal by Gladman Developments Ltd
Site at Land Off Henthorn Road, Clitheroe, BB7 2QF**

Further to our recent discussions about the above appeal, I am writing to confirm that the inquiry into this appeal will open at **10.00am** on Tuesday 24 January 2012 at the Council Chamber, Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA which should be reserved for 3 days. The sitting days are at the Inspector's discretion and may be changed once the inquiry has opened. Please arrange a car-parking space for the Inspector and send the details, together with a location plan of the venue, to the case officer quoting our appeal reference number.

The Inspector will be confirmed at a later date.

Please note that disabled people who may be concerned about facilities at the inquiry venue have been advised to write to or contact your Council to confirm that proper provisions are in place.

Yours sincerely

Heather Langridge

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

206BL.PA08



You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

The Planning Inspectorate

For official use only
(Date received)

21-Sep-2011 11:56

PLANNING APPEAL FORM (Online Version)

To help you fill in this form correctly, please refer to the guidance leaflet "How to complete your planning appeal form".

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time we will not accept the appeal.**

APPEAL REFERENCE: APP/T2350/A/11/2161186

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name Gladman Developments Ltd

Address Gladman House
Alexandria Way
CONGLETON

Phone no.

Fax no

Postcode CW12 1LB

E-mail d.fisher@gladman.co.uk

Please confirm how you wish to correspond with us: Electronically, via the email address specified above
On paper, by post.

B. AGENT DETAILS FOR THE APPEAL (if any)

Name Mr Dean Fisher (Gladman Developments Ltd)

Address Gladman House
Alexandria Way
CONGLETON
Cheshire

Your reference

Phone no. 01260 288886

Fax no.

Postcode CW12 1LB

E-mail d.fisher@gladman.co.uk

Please confirm how you wish to correspond with us: Electronically, via the email address specified above
On paper, by post.

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Ribble Valley Borough Council

LPA's reference number 3/2010/0719

Date of the planning application 17 Aug 2010

Date of the LPA's decision (if issued) 19 Sep 2011

D. APPEAL SITE ADDRESS

Address Henthorn Road
Clitheroe
Lancashire

Postcode

Grid Reference: Easting 3731321 Northing 4408431

Is the appeal site within a Green Belt? YES NO

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? YES NO

E. DESCRIPTION OF THE DEVELOPMENT

Size of the whole appeal site
(in hectares)

15.70

Area of floor space of proposed development
(in square metres)

Has the description of the development changed from that stated on the application form?
YES NO

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

Proposed development of up to 270 residential dwellings, doctors surgery, landscape, open space, highways and associated works.

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:-

Please tick **one** box only

- 1 Refuse planning permission for the development described on the application form or in Section E.
- 2 Grant planning permission for the development subject to conditions to which you object.
- 3 Refuse approval of the matters reserved under an outline planning permission.
- 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.
- 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

or

- 6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

G. CHOICE OF PROCEDURE

There are 3 possible choices:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1. THE WRITTEN REPRESENTATIONS PROCEDURE _____

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions or changes of use).

- a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? YES NO
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES NO

If so, please explain below or on a separate sheet.

2. THE HEARING PROCEDURE _____

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate document why you think a hearing is necessary.

Please answer the question below.

- a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES NO

3. THE INQUIRY PROCEDURE _____ ✓

This is the most formal of procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or in a separate document why you think an inquiry is necessary.

** See separate documents **

- | | | |
|---|------------------|--|
| a) How long do you estimate the inquiry will last?
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment) | No. of days | 3 |
| b) How many witnesses do you intend to call? | No. of witnesses | 4 |
| c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.
Please continue on a separate sheet if necessary. | YES | NO <input checked="" type="checkbox"/> |

H. GROUNDS OF APPEAL

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? YES ✓ NO

** See separate documents **

H. GROUNDS OF APPEAL (continued)

I. (part one) APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeals site. If you do not own the appeal site or only own a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

If you are the sole owner of the whole appeal site, certificate A will apply: Please tick **one** box only ✓

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below: ✓

Owner's name	Address at which the notice was served	Date the notice was served
Mr & Mrs J Spedding	202 Whalley Road, Clitheroe, BB7 1HT	21 Sep 2011
Mr R & Mrs O Spedding	63 Fairfield Drive, Clitheroe, BB7 2PS	21 Sep 2011

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

I (part two) AGRICULTURAL HOLDINGS CERTIFICATE

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b). ✓

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

OR

(b)(i) The appeal site is, or is part of an agricultural holding, and the appellant is the sole agricultural tenant:

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below: ✓

Tenant's name	Address at which the notice was served	Date the notice was served
Mr & Mrs F Coar	Fields Farm, Clitheroe Road, Waddington, BB7	21 Sep 2011

Details of additional tenants

J. ESSENTIAL SUPPORTING DOCUMENTS

You **must** send the documents listed 1-7 below with your appeal form.
Please tick the boxes to show which documents you are enclosing

- | | | |
|---|---|---|
| 1 | A copy of the original planning application sent to the LPA. | ✓ |
| 2 | A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA
<u>at application stage</u> (this is usually part of the LPA's planning application form). | ✓ |
| 3 | A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. | ✓ |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show <u>two named roads</u> so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. | ✓ |
| 5 | Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
Please number them clearly and list the numbers here or on a separate sheet: | ✓ |
| 6 | Copies of all additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
Please number them clearly and list the numbers here or on a separate sheet: | ✓ |
| 7 | A copy of the design and access statement sent to the LPA (if required) | ✓ |

You must send copies of the following, if appropriate:

- | | | |
|----|--|---|
| 8 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA .
Please number them clearly and list the numbers here or on a separate sheet: | |
| 9 | Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. : | ✓ |
| 10 | If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission , please enclose:
(a) the relevant outline application;
(b) all plans sent at outline application stage;
(c) the original outline planning permission. | |
| 11 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the <u>original permission</u> with the condition attached. | |
| 12 | A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | |

K OTHER APPEALS

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

L CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (*if you do not your appeal will not normally be accepted*).

I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature

Date 21 September 2011

Name (in capitals) Mr Dean Fisher

On behalf of (if applicable) Gladman Developments Ltd

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

M. NOW SEND

- **Send a copy to the LPA**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **You may wish to keep a copy of the completed form for your records**

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

APP/T2350/A/11/2161186

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

* The Documents Listed Below Were Uploaded With The Appeal Form *

===== CHOICE OF PROCEDURE =====
TITLE: Choice of procedure - reasons for inquiry
DESCRIPTION: Grounds of Appeal (Section 6)
FILENAME: 11-09-21 Grounds of Appeal - Henthorn Road Clitheroe.pdf

* The Documents Listed Below Will Follow By Post *

===== GROUNDS OF APPEAL =====
** Grounds of Appeal 1

===== ESSENTIAL SUPPORTING DOCUMENTS =====

- ** 01. A copy of the original planning application sent to the LPA.
- ** 02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
- ** 03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
- ** 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the
- ** 05. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
- ** 05i. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
- ** 06. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
- ** 06i. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
- ** 07. A copy of the design and access statement sent to the LPA (if required).
- ** 09. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.

**Town and Country Planning (Inquiries Procedure)
(England)
Rules 2000**

**Appeal by Fox Land & Property Limited
Land at Henthorn Road, Clitheroe**

Ribble Valley Borough Council

**Proposed residential development of up to 270 residential
dwellings, doctors surgery, landscaping, open space,
highways and associated works**

Appeal Reference (APP/T2350/A/11/2161186)

Grounds of Appeal

Prepared by

Gladman Developments Limited



September 21st 2011

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1 INTRODUCTION

- 1.1.1 This document sets out of the '**Grounds of Appeal**'. It explains the appeal proposals, the reasons for appealing and the necessity to have the evidence heard and tested in the forum of a public inquiry.
- 1.1.2 Ribble Valley Borough Council refused the Planning Application.
- 1.1.3 The Planning Application was validated as complete dated 17 Aug 2010 and the date for determination was 16th November 2010.
- 1.1.4 A time extension for the determination period was agreed with the Planning Authority by letter dated 6th September 2011 Core Document (CD 1.1).

2 THE PROPOSAL

- 2.1.1 The proposal is to create a sustainable extension to the existing settlement of Clitheroe to provide up to 270 homes, 30% of which will be affordable and delivered on site, a new doctor's surgery, highway improvements and new public transport provision, landscaping, public open space including a community park and associated works.
- 2.1.2 The proposal is in outline form with all matters reserved for subsequent approval, save for access.
- 2.1.3 A copy of the professional officer's pre-application advice is included within the Core Documents at (CD 3.25).
- 2.1.4 In summary the advice issued at pre-application stage acknowledged the current demonstrable and substantial under supply of housing within the borough (**2.2 years**). On this basis the policy advice was that whilst the proposals constitute a departure from the current Local Plan, that is now out of date, they accord with PPS3. Given the sustainable location of the application site which is closely related to the

key service centre of Clitheroe it is also considered that the site is in a suitable location and thus accords with PPS3 in this regard.

2.1.5 The planning application was accompanied with a number of supporting documents which are enclosed with the appeal documentation as Core Documents that provide background to the proposals:

- Location Plan
- Topographic Survey
- Design & Access Statement
- Indicative Masterplan
- Planning Statement
- Transport Assessment and Travel Plan
- Flood Risk and Drainage Assessment
- Archaeological Assessment
- Landscape & Visual Assessment
- Ecological Assessment
- Aborigicultural Assessment
- Air Quality Assesment
- Services and Utilities Statement
- Site Investigation
- Energy Statement
- Statement of Community Involvement
- Heads of Terms for Section 106 Planning Obligation

2.1.6 The list of supporting documents was agreed with the Local Planning Authority prior to submission. These documents are included within the appeal supporting documentation at Core Document 1 (CD 1).

2.1.7 The application has attracted public interest, particularly from those residents living nearby the application site, and it is anticipated that the appeal will be attended by the public.

2.1.8 The Application was recommended for approval by the professional Officers of the Council.

3 KEY MATTERS

Housing Need

3.1.1 Ribble Valley has substantially less than five years supply of identified land necessary to deliver new housing for the forthcoming plan period. The most recent up to date information published in the 2010 Annual Monitoring Report demonstrates that the council has a claimed housing land supply of **2.2 years**.

3.1.2 The appeal proposals will make an immediate and significant contribution toward remediating the severe deficit in housing land supply in the borough. The modus operandi of the Appellant is to release the site to the market as soon as practicable

Affordable Housing

3.1.3 The most recent up to date information published in the 2008 SHMA demonstrates that the borough suffers from a major shortage of affordable housing.

3.1.4 The appeal proposals make provision for 30% affordable homes to be provided on site and in accordance with the Council's 'Affordable Housing Memorandum of Understanding' and policy H19 of the Local Plan.

3.1.5 The appeal proposals will make an immediate and significant contribution toward addressing the major shortage of affordable housing within the Borough in this demonstrably sustainable location.

Ribble Valley Local Plan

3.1.6 The Ribble Valley Local Plan was adopted in 1998 with timeframe up to 2006. It is now almost 5 years beyond the end date at which the development plan policies were originally intended to be apply.

- 3.1.7 Whilst a number of the Local plan policies are 'saved' the policies relating particularly to housing delivery targets and spatial growth are considerably out of date. The most up to date housing need figures have been established within the Regional Spatial Strategy (adopted 2008) which Ribble Valley Borough Council (RVBC) has formally adopted as noted within the Planning Committee report June 17th 2010 (CD 3.).
- 3.1.8 Clitheroe is identified within the Local Plan as one of the main locations within the Ribble Valley where consolidation and expansion of the town is sought in accordance with policy G2. Residential development outside of the identified settlement boundaries constitutes a departure from the now historic and out of date Local Plan policies. However in order to accommodate the growth necessary to ensure successful delivery of the requisite amount of housing growth adopted by RVBC for the purposes of developing their Core Strategy, development beyond existing settlements boundaries is an inevitable imperative.
- 3.1.9 The historic nature of the Local Plan Policies taken together with the most up to date adopted position with regard to housing need and having regard to the borough housing shortage conclusively demonstrates that the Local Plan should not be determinative in this regard.
- 3.1.10 Endorsement of this approach is confirmed within the pre-application planning advice issued by Ribble Valley Council Officers in respect the planning application. Consistent with the professional officers pre application advice the Chief Planning Officers report to Planning Committee dated 14th July 2011 (CD 3.1 Pages 1-40) confirms that;

"The Council has determined in June 2010 to continue to use RSS housing requirements for both determining planning applications and progressing the Core Strategy".

"It is important to bear in mind however that the Adopted Saved Local Plan was prepared in the 1990's against previous Lancashire Structure Plan policies that have been superseded

by Policies of the RSS...Whilst policies have been saved, there have been no revisions of the old policies to reflect new growth and the need as a result to review settlement boundaries".

"The site would be an extension to the existing settlement – Clitheroe is the main settlement in the borough in the location where growth would be expected to be directed and that would ultimately require the change to the existing settlement boundary".

"...the Council's Head of Regeneration and Housing views the site as acceptable as a land use principle".

3.1.11 In landscape and visual terms the appeal proposals respond well to the local landscape character of the site, recognising and responding to opportunities to extend local Green Infrastructure and enhance landscape character in the medium to long term.

3.1.12 The existing landscape features of the site can easily be retained and enhanced as part of the landscape framework for the development. Notably, almost 50% of the total site area is given over to Green Infrastructure. The landscape proposals include new recreational linkages from the settlement edge to the existing Ribble Valley recreational areas. The creation of a new Community Park delivered as part of a composite package of public open space will provide a high quality enduring community asset that existing residents and future generations will benefit from.

3.1.13 Having regard to the landscape characters around the settlement of Clitheroe, it is evident that the appeal proposals in this part of Clitheroe are within one of the least sensitive in landscape areas. The impact of the development will be mitigated as far as possible which will assist with the assimilation of the site into the urban fabric of the town settlement.

Strategic Housing Land Availability Assessment

3.1.14 The land which is the subject of this appeal is identified within the council's Strategic Housing Land Availability Assessment and is acknowledged as "Available within 0-5 years, Achievable and Deliverable".

Key National Planning Policies

3.1.15 In accordance with PPS1 the proposals will directly deliver the objectives of sustainable development by increasing the range and type of homes available in Clitheroe complemented by appropriate green infrastructure that will provide high quality areas for the enjoyment of recreation. The proposals are situated in a sustainable location which in turn will contribute toward the national objective of reducing the need to travel.

3.1.16 In accordance with Paragraph 71 of PPS3, having regard to the fact that the Local Planning Authority cannot demonstrate an up-to-date five year supply of deliverable housing sites, this proposal should be considered favourably. The appeal proposals also accord with the tests set out in paragraph 69 of PPS3.

3.1.17 The preparation of the LDF Core Strategy is in its infancy and the preparation of the Site Allocations DPD has yet to commence. Given the fact that the Local Plan policies were intended to apply until 2006 there is now a significant policy vacuum at present within Ribble Valley.

3.1.18 Importantly, paragraph 72 of PPS3 makes clear that Local Planning Authorities should not refuse applications solely on the grounds of prematurity. For these reasons the appeal proposals should not be regarded as premature.

New Homes Bonus

3.1.19 The development presents the Council with the opportunity to receive circa £2.5 million through the New Homes Bonus initiative. Legal submissions will be made about the materiality of this issue.

4 KEY BENEFITS OF THE PROPOSALS

4.1.1 The proposals provide a number of material planning benefits which include:

- Provision of a range of traditional family housing.
- Provision of 30% affordable housing which is important as there is a major Borough wide shortage of affordable housing at present. Thus the ability of the appeal proposals to deliver the full range of affordable housing on site should be regarded as a highly material planning benefit.
- Provision of a new onsite doctors consulting facility.
- Provision of onsite open space and recreational areas on land which at present has no public access. Improved access to the footpath network will be of additional benefit to the existing community.
- Provision of new community parkland set in 4.19ha will provide a major community asset that will endure for future generations.
- Provision of a comprehensive package of public transport improvements are proposed that will benefit the existing community.
- A comprehensive package of highway improvements is proposed that will benefit pedestrian and cycle safety in the area local to Henthorn Road. These safety improvements will help to address some of the concerns expressed by residents during the pre-design consultation phase.
- The proposals will provide opportunities for enhancements to biodiversity.

- The proposals provide for financial contributions to support local services in compliance with CIL and Section 106.
- The proposals will provide circa £2.5 million in New Homes Bonus.

4.1.2 These benefits are significant in the planning balance.

4.1.3 All statutory consultation respondents confirm that there are no technical encumbrances that would preclude development on the site and where necessary and appropriate satisfactory planning conditions can be applied to the planning permission to ensure the acceptability of the proposed development.

4.1.4 The limited 'adverse' impacts of allowing development now on the site would significantly and demonstrably be outweighed by the demonstrable benefits.

4.1.5 Therefore and in accordance with recent Ministerial Statements, the 'presumption in favour of sustainable development', the Plan for Growth and the draft National Planning Policy Framework, these proposals are demonstrably acceptable in this regard.

4.1.6 Overall, the proposals provide much needed housing on a suitable site in a sustainable location. The presumptions in existing and emerging national policy should apply. Consequently, there is not, and never has been any reason to withhold planning permission for the Appeal proposals.

5 REASONS FOR REFUSAL

5.1.1 The Notice of Refusal of Ribble Valley Borough Council states the following;

"1. The proposal is contrary to National Policy in the form of PPS1 and PPS3 in that the development due to its isolated location distant from a primary route network, lack of cycling or sufficient pedestrian access to the town centre and its infrastructure would lead to the proposal being contrary to the principles of sustainable development. The proposal would also have a detrimental impact on the traffic infrastructure of Clitheroe and key traffic junctions of Henthorn Road, Woone Lane, Eshton Terrace and the railway crossing which would lead to the proposal being contrary to the principles of sustainable development.

2. Given the site's relationship to the primary route network the development is considered contrary to the principles of sustainable development in that it fails to provide sufficient pedestrian and cycle linkages back to the town centre facilities or have adequate public transport facilities and as such would increase reliance on the use of the private motor car be contrary to Policy T1 of the Ribble Valley Districtwide Local Plan."

6 GROUNDS OF APPEAL

Key Planning Policy Matters

6.1.1 The Appeal Proposals will deliver a sustainable residential development adjoining the south western boundary of Clitheroe providing up to 270 dwellings (including 30% affordable homes) together with a community parkland, highway improvements, upgraded public transport provision and associated infrastructure. Vehicular access will be via Henthorn Road. Pedestrian and Cycle access will be Via Henthorn Road and Edisford Road. Highway issues are locally controversial and it is anticipated that this will be a principal issue at the appeal for local residents.

- 6.1.2 The appeal proposal seeks to make the most efficient use of land consistent with the guidance in PPS3.
- 6.1.3 The illustrative development framework plan shows that public open space within the residential areas will provide a network of green infrastructure covering an area of 3.14ha including two areas of equipped play space. An additional area of 4.19ha is provided for the community parkland with wooded areas leading down to and linking with the River Ribble and the Ribble Way and Long Distance Footpath.
- 6.1.4 The development will create a sustainable and inclusive community by providing a wide choice of market and affordable housing, which will address the needs of the community, widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing. Consequently these proposals will improve accessibility to quality homes across the housing market.
- 6.1.5 PPS3 states (para. 54) that LPA's must maintain a five year supply of deliverable land for housing based on information contained in the Strategic Housing Land Availability Assessment (SHLAA) or other relevant evidence.
- 6.1.6 The appeal site is deliverable and the Local Planning Authority does not have 5 years housing land supply. This is accepted by and noted within the pre application advice and within the committee report to members.
- 6.1.7 The RVBC 2010 AMR reports the land supply as being **2.2 years supply**.
- 6.1.8 This sizeable shortfall is a factor that should be afforded significant weight in favour of these appeal proposals.

- 6.1.9 National Planning Policy guidance in this situation is unequivocal. Where there is less than a 5 year supply of deliverable sites, Paragraph 71 of PPS3 indicates that Local Planning Authorities "should consider favourably planning applications for housing" subject to the provisions of paragraph 69. The applicant contends that the proposals are consistent with PPS3 paragraph 69. Consequently had the authority determined the proposals, whilst properly applying Secretary of State's advice, logically the proposals should have been determined favourably in accordance with paragraph 71 of PPS3. The Officer's report to Planning Committee adopts exactly this favourable approach in support of the proposals.
- 6.1.10 It is agreed that the site occupies a location outside the existing defined settlement of Clitheroe as identified on the Proposals Map annexed to the Local Plan. However, the policies contained within the Local Plan are now considerably out of date on the basis that they were originally intended to apply until 2006.
- 6.1.11 Therefore, in order to accommodate the amount of housing adopted by RVBC, which is consistent with RSS, it is accepted by the Council that development will inevitably have to take place beyond the existing tightly drawn settlement boundaries.
- 6.1.12 It is also the case that the council has insufficient land within settlement boundaries necessary to remediate the deficit of land required to meet the minimum 5 year land supply.
- 6.1.13 Significant weight should also be afforded to the fact that these proposals will deliver affordable housing where there is greatest need and historic major under delivery.
- 6.1.14 The application is either supported by statutory consultees or they have confirmed that no objections are raised with regard to the appeal proposals.

6.1.15 The planning balance was clearly in favour of granting planning permission.

Highways and Transport

6.1.16 The proposals are acceptable in highways terms. The local highway network within the Henthorn Road area is capable of accommodating the traffic generated by the development.

6.1.17 A package of beneficial highway improvements have been identified as appropriate and agreed with Lancashire County Highways. These improvements will focus around the Henthorn Road area and the local estate roads providing improved safety for all road users but particularly pedestrian and cyclists.

6.1.18 A new footpath and cycle link will be created at the south western corner of the site connecting with Edisford road and offering ease of access to the nearby Roefield leisure centre.

6.1.19 As part of the overall package of highway proposals the public transport provision within the local area will be reinforced comprising the existing C1 bus service that connects the Henthorn Road community with Clitheroe town centre. The service will be upgraded, brought within the new site and directly funded from the proposed development scheme for a period of at least five years.

6.1.20 Lancashire County Council Highways have identified the need for implementation of one way system at Woone Lane to improve traffic flows within the town.

6.1.21 The need for such a scheme does not arise as a consequence of traffic impact from the appeal proposals. Nevertheless, the applicant is prepared to fund the Traffic Regulation Order process and to cover the cost of the implementation of the works should the order be confirmed. In the alternative, a scheme of highway improvements has been drawn up and agreed with Lancashire County Council Highways that could be

implemented via the section 278 process should the TRO process not be confirmed. Again the applicant has committed to fund the works.

6.1.22 On any view the proposal is therefore acceptable in highway terms

Impact on Landscape Character

6.1.23 The appellant contends that the appeal site that immediately adjoins the south western boundary of Clitheroe in the Henthorn Raod area is a most logical expansion of the town and will have least impact in contrast to other potential directions of growth for the town that are more sensitive in landscape terms.

6.1.23 Extensive work has been done to demonstrate the landscape capacity of the site, and its capability to accommodate the development proposed. It is likely that this will be closely examined at the appeal.

Sustainable Development

6.1.24 On 23rd March of this year Minister Greg Clark established a strong presumption in favour of sustainable development. The answer to development and growth should wherever possible be 'yes'.

6.1.25 The appeal site is sustainable. It is immediately adjacent to the settlement boundary and in close proximity to schools, shops, leisure and recreation facilities. It will provide a new health facility on site which is a much needed facility for the town as the existing surgery in Clitheroe is operating at and sometimes over capacity. The site benefits from existing good public transport links and these proposals offer the opportunity to improve a local bus service provision within this part of Clitheroe that will benefit the new community as well as the existing resident population.

- 6.1.26 The proposals also provide a Travel Plan that will actively promote the use of modes of transport as an alternative means of transport to the private motor vehicle.
- 6.1.27 The development will incorporate site sustainable drainage infrastructure and best practice construction methods.
- 6.1.28 The approach to matters of ecology bio-diversity is one of ensuring protection of the all of the identified important ecological attributes on site and further seeking to enhance bio-diversity through proactive and management via the implementation of an ecological management plan.
- 6.1.29 The site does not constitute best and most versatile agricultural land.
- 6.1.30 In accordance with the Minister's Statement, planning permission should have been granted for this sustainably located development which has the potential to deliver the necessary growth in a sustainable manner.

Consideration of the Planning Application by RVBC

- 6.1.31 The RVBC Planning Committee meeting of 14th July considered the professional officers report on the planning application which recommended approval for the scheme. (CD 3.1 Pages 1-40)
- 6.1.32 The matter was deferred at that committee but what ensued within the debate gave rise to a complaint to the council with regard to the conduct of members of the committee. The details of the complaint are encapsulated within the attached letter (CD 3.5 Page 57-64). The overriding observation was that, despite the professional advice of their officers that the proposals should be approved and in the absence of demonstrable evidence of significant adverse impact or harm arising as a consequence of the proposals, members plainly were searching for reasons for refusal where none existed. Regrettably members insisted that their officers of seek to persuade professional officers of Lancashire County Council, particularly with regard matters of highways and

education, to change their professional advice to a position of objection rather than support for the proposals.

- 6.1.33 The clear implication being that the committee could then proceed with their objective of refusing the proposals with purported demonstrable evidence of justifiable reasons for refusal.
- 6.1.34 The conduct of the planning committee members left no doubt that the applicant was unable to ensure that the planning would have been dealt with objectively and fairly. A full explanation of the matters that arose at Planning Committee is contained in the letter dated 19th July 2011 from Gladman to RVBC CEO (CD 3.5 Pages 57 - 64).
- 6.1.35 When the matter was debated once again by the Planning Committee on 15th September 2011 the reasons for refusal adduced against these proposals by the Council's Planning Committee remained unsubstantiated by demonstrable evidence. For this reason the appellant would wish to put to strict proof as to the evidential basis for such reasons.

Request for Public Inquiry

- 6.1.36 The matters raised within the appeal proposals, whilst being found to be acceptable by the professional officers of RVBC, have been the subject of contention by local councillors and residents culminating in the formation in a local pressure group against the proposals. There is therefore likely to be substantial public attendance at the forthcoming appeal.
- 6.1.37 In the interests of ensuring that the evidence adduced in respect of the cases for and against the proposals is properly tested, cross examination is required. In particular the areas of evidence in contention between the Council and the Appellant are likely to focus on the following areas:

(i) Highways – the issue of access to the site itself is straightforward. However there is substantial controversy over the impact upon the wider highway network, its relevance to the appeal proposals and the measures needed to ameliorate any impact.

(iii) Sustainability – it is likely to be vigorously contested as to whether the presumption in favour applies.

(iv) With regard to contributions generally it is hoped that these issues are capable of resolution. However in a recent appeal involving a different Appellant and this Local Planning Authority (Station Road Whalley) this proved not to be the case and very substantial evidence was provided to the Inspector on the issue of education provision. A revised request very late on in the application process with regard to education contributions was presented to the applicant. At this stage the request is unsupported by demonstrable evidence of need.

(v) Housing Land supply & policy generally – this is an issue of local complexity and appears to be poorly understood by the Council. It is considered essential that the Appellant has the opportunity of carefully examining the Council's assumptions in this regard; and

(vi) The provision of public open space within the scheme together with the proposed community parkland substantially exceeds the amount of public open required to the serve the needs of the development. The weight to be accorded to this substantial community benefit should be significant and evidence will be adduced on this matter.

6.1.38 It is likely that a costs application will be made and therefore conduct and the matter of lack of evidence will be a highly material issue to the determination of that issue.

6.1.39 With particular regard to the presentation of evidence the appellant will wish to provide expert witnesses in respect of matters pertaining to

Highways Transport and Sustainability, Landscape & Visual, Affordable Housing and Planning Policy.

6.1.40 The appellant would also reserve the right to adduce further evidence in response to any matters raised by the Council or by third parties in evidence.

6.1.41 Finally it may be argued that alternative sites may be of relevance in which case it is strongly likely that legal submissions will be required upon this issue.



QUESTIONNAIRE (Online Version)

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

Appeal Ref:	APP/T2350/A/11/2161186		
Appeal By:	Gladman Developments Ltd		
Address	Land off Henthorn Road Clitheroe Lancashire		
Postcode	BB7 2QF	Grid Reference: Easting	3731321
		Northing	4408431

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, **within 2 weeks of the 'starting date'** given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1 Despite our initial letter, do you consider that this appeal can be dealt with by the written representation procedure? YES NO

Do you wish to be heard by an Inspector at;

a local inquiry? or

a hearing?

How long do you expect an inquiry would last? days

How many witnesses do you intend to call?

What are the preferred Inquiry/Hearing dates you have agreed with the appellant/agent?
(2 dates should be provided, or more if possible.)

Note: If the written procedure is agreed the Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

2 a If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? YES NO

b Is it essential for the Inspector to enter the site to assess the impact of the proposal? YES NO

Please explain:

- 2 c Are there any known health and safety issues that would affect the conduct of the site inspection? YES NO
-
- 3 Please provide the name, telephone number and e-mail address of the officer we can contact to make arrangements for the site visit, hearing or inquiry
- Name Phone
- Email
- 4 Does the appeal relate to an application for approval of reserved matters? YES NO
- 5 Was a DMPO 2010 Article 12 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application? YES NO
- 6 Did you give publicity to the application in accordance with either Article 13 of the DMPO 2010, Section 67/73 of the Planning (Listed Buildings & Conservation Areas) act 1990 or Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990? YES NO
- Document provided
- 7 Is the appeal site within;
- a A Green Belt? YES NO
- b An Area of Outstanding Natural Beauty? YES NO
- 8 Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? YES NO
- Document provided
- 9 a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? YES NO
- Please give our reference numbers and if necessary attach details:*
-
- Document provided
- b Are there any other appeals or matters relating adjacent or close to the site still being considered by us or the Secretary of State? YES NO
- Please give our reference numbers and if necessary attach details:*
-
- Document provided
- 10 Would the development require the stopping up or diverting of a public right of way? YES NO
- Please provide an extract from the Definitive Map and Statement for the area, and any other details.*
- Document provided
- 11 a. Is the site in a Conservation Area? YES NO
- Please attach a plan of the Conservation Area*
- Document provided
- b. Does the appeal relate to an application for conservation area consent? YES NO

- 12 a Does the proposed development involve the demolition, alteration or extension of a listed building? YES NO
- Date of listing:
- I II* II
- b Would the proposed development affect the setting of a listed building? YES NO
- Please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historical Interest*
- Document provided
- c If YES to (a) or (b), was English Heritage consulted? YES NO
- Please attach a copy of any comments*
- Document provided
- 13 Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953? YES NO
- 14 a Would the proposals affect an Ancient Monument (whether scheduled or not)? YES NO
- b Was English Heritage consulted? YES NO
- Please send a copy of any comments*
- Document provided
- 15 Is any part of the site subject to a Tree Preservation Order? YES NO
- Please send a plan showing the extent of the Order and any relevant details.*
- Document provided
- 16 Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning and Compulsory Purchase Act 2004) relating to the application site? YES NO
- Please attach a copy of the relevant order.*
- Document provided
- 17 Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority? YES NO
- 18 a Is the appeal site in or adjacent to or likely to affect an SSSI or an Internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)? YES NO
- Please attach the comments of Natural England*
- Document provided
- b Are any protected species likely to be affected by the proposals? YES NO
- Please attach details.*
- Document provided

19 **Environmental Impact Assessment**

Environmental Statement (ES)

Schedule 1

a (i) Is the proposed development Schedule 1 development as described in Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

YES NO

(ii) Under which description of development? (ie Nos 1-21)

Schedule 2

b (i) Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

YES NO

(ii) Under which description of development in Column 1? (ie Nos 1-13)

(iii) Is the applicable threshold/criteria in Column 2 exceeded/met?

YES NO

c Is the development within or partly within a 'sensitive area' as defined by Regulation 2 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

YES NO

Document provided

Please provide details in the box below:

Screening

d (i) Have you issued a screening opinion (SO)?

YES NO

Please attach a copy of the SO that was placed on the planning register, and any other related correspondence.

Document provided

(ii) Did the SO state that the proposed development is EIA development as defined by the EIA Regulations?

YES NO

If you decided that the proposed development is not EIA development as defined by EIA Regulations, please attach brief descriptions for your opinion

Document provided

Environmental Statement (ES)

e Has the appellant supplied an environmental statement?

YES NO

Please supply any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 and Circular 2/99.

Document provided

Publicity

f If applicable, please supply a copy of the site notice and local advertisement published under Article 13 of the DMPO 2010, as required for EIA development.

Document provided

20 Have all the notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place?

YES NO

Please attach copies of any comments that you received in response.

Document provided

21 **Copies of the following documents must, if appropriate, be attached to this questionnaire;**

Tick the 'Applies' checkbox to the right of each applicable document, then select whether you intend to send it by post or attach it now.

a. a copy of the letter with which you notified people about the appeal; Applies

b. a list of the people you notified and the deadline you have for their comments to be sent to us; Applies

Deadline:

c. all representations received from interested parties about the original application; Applies

d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes; Applies

e. any representations received as a result of a DMPO 2010 Article 12 (or Regulation 6) notice; Applies

f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan) You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination; Applies

List of Policies:

Continued...

g. extracts of any relevant policies which have been 'saved' by way of a Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, that you consider necessary. Please attach a copy of the Direction and a copy of the letter from the Government Office which accompanied the Direction. Applies

List of Policies:

Continued...

h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when; Applies

i. extracts from any supplementary planning document, that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached; Applies

j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this to the other questionnaire papers, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement; Applies

k. any other relevant information or correspondence you consider we should know about; Applies

22 For appeals dealt with by written representations only.

Do you intend to send a 6 week statement about this appeal?

YES NO

- a. a full list of the plans submitted with the application; Applies
- b. the relevant planning history; Applies
- c. any supplementary reasons for the decision on the application or what the decision notice would have said; Applies
- d. matters which you want the Inspector to note at the site visit; Applies
- e. how the relevant development plan policies relate to the issues of this appeal; Applies

23 For the Mayor of London cases only

a. Was it necessary to notify the Mayor of London about the application?
Please attach a copy of that notification

YES NO
 Document provided

b. Did the Mayor of London issue a direction to refuse planning permission?
Please attach a copy of that notification

YES NO
 Document provided

Council's Reference:

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today

Completed by (name)

On behalf of council

STATEMENT

Do you wish to attach your statement of case?

YES NO
 Document provided