



# Ribble Valley Borough Council – Housing and Economic DPD

Further hearing statement in relation to: Issue 2 – Housing

for Hallam Land Management Limited

Emery Planning project number: 18-582

Project : 18-582  
Statement : Further hearing  
statement in relation to  
Issue 2 - Housing  
Client : Hallam Land  
Management Limited  
  
Date : 14 January 2019  
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## 1. Introduction and summary

- 1.1 Emery Planning is instructed by Hallam Land Management to submit this further statement and attend the examination hearing sessions in relation to Issue 2: Housing, which are due to be held on 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> January 2019.
- 1.2 To inform these hearing sessions, the Council has produced a Housing Position Paper (HPP, published 5<sup>th</sup> December 2018). The Inspector has also confirmed that further statements will be accepted, which are to be submitted to the Programme Officer by 14<sup>th</sup> January 2019. This further statement therefore responds to the HPP on behalf of our client. It also addresses the Council's latest Housing Land Availability Schedule (HLAS, base date 30<sup>th</sup> September 2018), which was published on 19<sup>th</sup> November 2018. Our statement addresses the following four points, as summarised below.
- 1.3 Firstly, for the reasons set out in section 2 of this statement, the purpose of the HED DPD, the Council's housing strategy and the spatial distribution of housing are unclear now that it accepts the Standen Strategic Site will not deliver in full in the plan period. Whilst the purpose of the HED DPD is to allocate additional land to meet housing in the settlements where there is a residual requirement, there is a significant residual requirement for Clitheroe, which will not be met now that the Standen Strategic Site will not deliver in full in the plan period. The Council's own figures indicate that the residual housing requirement for Clitheroe is 311 dwellings. Once realistic build rates have been applied to the Standen Strategic Site, we consider that the residual requirement is 514 dwellings. It is unclear as to how this residual requirement is to be addressed in the HED DPD.
- 1.4 Secondly, for the reasons set out in section 3 of this statement, our view is that the HED DPD does not allocate enough land to ensure that the minimum housing requirement set out in the Core Strategy will be met. We conclude that there is a shortfall of 301 dwellings. In addition, we conclude that there should be an additional allowance made to provide flexibility. At the time the Council submitted the HED DPD for examination, it claimed that 350 dwellings would be provided in addition to the 5,600 dwelling housing requirement. Therefore we consider that the flexibility allowance should be 350 dwellings, which is consistent with the position at the time the plan was submitted. Consequently, we conclude that land for an additional 650 dwellings should be identified (i.e. 301 dwellings to address the shortfall and 350 dwellings to provide flexibility).

- 1.5 The submitted HED DPD however only proposes to allocate 50 dwellings at Mellor and Wilpshire and therefore further sites are required. Whilst the Council has identified five potential additional allocations, this was on the basis that in the Council's view they were the most appropriate sites to assist the Council demonstrate a five year supply. Given that there is a shortfall in the supply over the plan period, further allocations should be considered on this basis. In any event, even if the five potential additional allocations were found sound, they would only provide 210 dwellings and would not meet the shortfall in the supply in the plan period and the additional flexibility required.
- 1.6 Thirdly, for the reasons set out in section 4 of this statement, even on the Council's figures the affordable housing target set out in the Core Strategy will not be met. This is largely due to the fact that the Standen Strategic Site will not deliver in full in the plan period. The shortfall in affordable housing will not be met by the two proposed housing allocations in the submitted HED DPD. Further sites capable of delivering affordable housing in the plan period are required.
- 1.7 Finally, for the reasons set out in section 5 of this statement, the Council can still not demonstrate a deliverable five year housing land supply.
- 1.8 For all of these reasons, additional sites are required. As the Inspector is aware, our client's site at Langho has been put forward for consideration and previous hearing statements and submissions from Pegasus Planning have demonstrated that Langho is a highly sustainable settlement and that this site is well located within it, with direct access to sustainable transport via one of only four train stations in the Borough, a benefit that no other site put forward as part of the HED DPD process can offer, and one which goes to the heart of the previous and revised NPPF in terms of promoting sustainable transport modes, reducing congestion, improving air quality and public health. The site would also deliver much needed affordable housing, which would assist in meeting the shortfall identified in this statement.

## 2. Housing Strategy

2.1 The Council's housing strategy and approach to spatial distribution is unclear. As the Inspector is aware, one of the key purposes of the HED DPD was to allocate housing in the settlements where there is a residual requirement to do so when measured against the spatial distribution of housing as set out in Key Statement DS1: Development Strategy and the table included below paragraph 4.12 of the Core Strategy. Indeed, the first paragraph of section 2 of the HED DPD: "Housing Allocations" (page 8) states:

*"Through this plan, the Council is allocating land to meet residual housing requirements in the settlements of Mellor and Wilpshire as measured against the overall requirement and spatial distribution of the Core Strategy and in which both are identified as Tier 1 settlements".*

2.2 The second paragraph under the justification to policy HAL (page 8) then states:

*"This DPD does not seek to reconsider the housing requirement or its spatial distribution but rather to make allocations to meet any outstanding requirements based on the provisions of the Core Strategy."*

2.3 The third paragraph under the justification to policy HAL (page 8) states:

*"Taking account of completions in the plan period to date, extant permissions (started and not started) the evidence base showed that there were only small residual requirements in the principal settlement of Longridge and the Tier One settlements of Mellor and Wilpshire."*

2.4 This is no longer the case, because the Council accepts that the Standen Strategic Site will not deliver in full in the plan period and therefore there is a significant residual requirement for housing in Clitheroe.

2.5 The Core Strategy claimed that the Standen Strategic site would deliver in full in the plan period. Indeed, the trajectory set out in the Core Strategy assumed that the Standen strategic site would deliver 100 dwellings per year from 2016/17 and would be complete by 2026/27 (please see housing trajectory notes 4 and 5 on page 179 of the Core Strategy). The Core Strategy then set a target of 100 dwellings to be completed per annum on the site from 2017 (please see page 126 of the Core Strategy). This target has become monitoring indicator 37 as set out on page 21 of the latest Annual Monitoring Report (AMR – August 2017).

- 2.6 The Council now however accepts that this is not the case. Indeed, the Council considers that only 508 no. dwellings will be delivered by 2028 with the remaining 532 dwellings beyond the plan period (please see table 2 of the HPP – pages 13 and 14). Therefore, according to the Council's trajectory, 532 dwellings, which were originally expected to be delivered at the Standen Strategic Site as part of the housing to be delivered in Clitheroe by 2028, will no longer be delivered in the plan period.
- 2.7 Appendix 1 of the HPP (pages 8 and 9) seeks to claim that there is no residual requirement for Clitheroe and an oversupply of 221 dwellings. In reality, because the HPP elsewhere accepts that the Standen Strategic Site will not be delivered in full, there is a residual requirement of 311 dwellings for Clitheroe in the plan period (i.e.  $532 - 221 = 311$ ).
- 2.8 The submitted version of the HED DPD only proposes small allocations in Mellor (18 dwellings) and Wilpshire (32 dwellings) and therefore does not address the residual requirement in Clitheroe. Even if they were found sound and are deliverable, the three potential additional allocations in Clitheroe suggested by the Council as main modifications (MM1, MM2 and MM3) only have capacity for around 180 dwellings and would not meet the residual requirement of 311 dwellings.
- 2.9 The residual requirement for Clitheroe of 311 dwellings set out above is based on the Council's assumption that 488 dwellings will be delivered at the Standen site between 1<sup>st</sup> October 2018 and the end of the plan period. As we discuss in the following section to our statement, this is based on achieving build rates of up to 85 dwellings per year by a single developer, which has not been achieved before in Clitheroe. Therefore, once realistic build rates are applied, the residual requirement for Clitheroe is even greater. We conclude that it is 514 dwellings.

### **3. Housing land supply to 2028**

- 3.1 The Core Strategy sets out a minimum housing requirement of 5,600 dwellings between 2008 and 2028.
- 3.2 Table 1 of the HPP (page 12) confirms that 2,362 dwellings had been delivered between 1<sup>st</sup> April 2008 and 30<sup>th</sup> September 2018. This means a minimum of 3,238 dwellings is required in the remaining 9.5 years of the plan period.
- 3.3 Tables 1 and 2 of the HPP then explain that 3,289 dwellings will be delivered on the sites listed in the trajectory over the remaining plan period to 2028. This means just 51 dwellings over the requirement would be achieved, providing a flexibility of just 0.9%. Even if they are found sound and allocated, the two proposed sites at Mellor and Wilpshire would only provide 50 dwellings and would not significantly increase the flexibility. Indeed, even if the five potential additional sites are found sound and allocated, they would only provide 210 dwellings in total and therefore sufficient flexibility will still not be achieved.
- 3.4 Notwithstanding this, we do not consider that the residual Core Strategy housing requirement of 3,238 will be achieved by existing commitments and the proposed allocations in the HED DPD for the following reasons.

#### **Build rates at the Standen Strategic Site**

##### **Site area and description**

- 3.5 This very large site is 36.72 ha in area. It is greenfield land located to the south east of Clitheroe. To the north is existing residential development and playing fields. To the east is Pendle Road and beyond this is open countryside. To the south is open countryside and to the west is Whalley Road and open countryside.

##### **Planning status**

- 3.6 Phase 1 of the site has detailed consent for 228 no. dwellings (LPA ref: 3/2016/0324). It is under construction. 20 no. dwellings had been delivered on the site by 30<sup>th</sup> September 2018. This leaves 208 no. dwellings.



- 3.7 The remaining phases of the site only have outline planning permission. Condition 10 of the outline planning permission (3/2012/0942 as amended by 3/2015/0895) requires applications for the approval of reserved matters to be made before the expiration of eight years from the date of the original outline planning consent, which was approved on 17<sup>th</sup> April 2014 (i.e. by 17<sup>th</sup> April 2022). Condition 11 of the of the outline planning permission (3/2012/0942 as amended by 3/2015/0895) requires subsequent phases of the development to begin within 9 years of the original planning consent (i.e. by 17<sup>th</sup> April 2023) or before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved in respect of that phase, whichever is later.
- 3.8 Condition 3 of the outline planning permission (3/2012/0942 as amended by 3/2015/0895) requires the development to be carried out in accordance with the approved phasing plan. This plan (ref: TW/PRC/CP/01) shows 6 residential phases as well as non-residential phases.

### Build rates

- 3.9 As above, the trajectory in the Core Strategy considered that this site will deliver 100 no. dwellings per annum from 2016/17. Until the HPP was published, the Council did not set out a trajectory for the site over the plan period to 2028. However In the HLAS (April 2014) and each of the subsequent versions, the Council has claimed that this site is going to deliver between 165 and 300 dwellings within each of the respective five year period it considered. This is set out in the following table:

**Table 3.1 – Deliverability assumptions of Higher Standen set out in each HLAS**

HLAS	End of five year period	Status	No. of dwellings HLAS considered deliverable
April 2014	30 <sup>th</sup> March 2019	Awaiting S106	300
July 2014	30 <sup>th</sup> June 2019	Awaiting S106	300
January 2015	31 <sup>st</sup> December 2019	Outline pp	300
April 2015	31 <sup>st</sup> March 2020	Outline pp	300
October 2015	30 <sup>th</sup> September 2020	Outline pp	300
April 2016	31 <sup>st</sup> March 2021	Outline pp – RM pending	165
October 2016	30 <sup>th</sup> September 2021	Outline pp – RM pending	180
April 2017	31 <sup>st</sup> March 2022	RM phase 1 approved	268
October 2017	30 <sup>th</sup> September 2022	RM phase 1 approved	200
April 2018	31 <sup>st</sup> March 2023	RM phase 1 approved	190

3.10 The Council's current trajectory for the site is now summarised in the following table:

**Table 3.2 – Council's housing trajectory for Standen**

	1/10/18 – 30/09/19	1/10/19 – 30/09/20	1/10/20 – 30/09/21	1/10/21 – 30/09/22	1/10/22 – 30/09/23	1/10/23 – 30/09/24	1/10/24 – 30/09/25	1/10/25 – 30/09/26	1/10/26 – 30/09/27	1/10/27 – 31/03/28	Total
Phase 1	50	50	48	45	15	0	0	0	0	0	208
Later Phases	0	0	20	40	40	40	40	40	40	20	280
Total	50	50	68	85	55	40	40	40	40	20	488

3.11 It is unclear on the evidence that the Council relies on to claim that the site will deliver between 40 and 85 dwellings per annum.

3.12 The Inspector will recall that the HLAS base date 30<sup>th</sup> September 2017 (page 33) confirmed that 5 no. dwellings were recorded as being under construction at that time. The latest HLAS (page 26) confirms that by 30<sup>th</sup> September 2018, 20 dwellings had been completed. Therefore, according to the Council's own monitoring data, only 20 no. dwellings had been completed in the first year.

3.13 The Council appears to rely on the statements of common ground between the Council and Taylor Wimpey provided within the HLAS Evidence of Delivery document (November 2018 – pages 44-47 and 75-78), which set out the build rates in the table above. This evidence confirms that both phase 1 and later phases are in control of Taylor Wimpey. There is no indication that a further housing developer will deliver the site. Therefore, it is unclear why the later phases would start being delivered before the first phase is complete.

3.14 It is of note that in the "Compendium of Housing Site Delivery Updates" (Autumn / Winter 2017), Taylor Wimpey provided an e-mail to the Council dated 14<sup>th</sup> September 2017, which estimated the following:

- Estimated completion date of first dwelling – March 2018
- 1/10/17 – 30/09/18 – 20 dwellings
- 1/10/18 – 30/09/19 – 40-45 dwellings
- 1/10/19 – 30/09/20 – 40-45 dwellings
- 1/10/20 – 30/09/21 – 40-45 dwellings
- 1/10/21 – 30/09/22 – 40-45 dwellings

3.15 Therefore it is unclear why the developer now considers that higher build rates will be achieved and why the later phases will start delivering at the same time as phase 1.

3.16 The Council does not appear to have considered how the proposed build rate at this site compares to the actual build rate achieved on other sites in Clitheroe.

3.17 The developer is Taylor Wimpey, who is currently developing another site in Ribble Valley at Dilworth Lane, Longridge known as “Tootle Green”. At that site, the total number of dwellings to be delivered is 195. There have been 58 dwellings completed so far between October 2016 (when 22 dwellings were recorded as being under construction) and 30<sup>th</sup> September 2018, meaning an average of 29 dwellings per annum (i.e. 49 / 2 years = 28) as shown in the following table, which we have taken from the Council’s completion records:

**Table 3.3 – Build rates at “Tootle Green” (Taylor Wimpey)**

Monitoring period	October 2016 to March 2017	April to September 2017	October to March 2018	April to September 2018	Total	Average
Dwellings completed	7	17	20	14	58	29

3.18 We also note that build rates of between 40 and 85 dwellings per annum is higher than the average build rate experienced on other sites with one developer in Clitheroe. Story Homes is currently developing a site to the south west of Clitheroe known as “Pendleton Grange”. This site has a capacity of 130 dwellings. 65 dwellings have been completed so far between 1<sup>st</sup> April 2016 (when 10 dwellings were recorded as being under construction) and 30<sup>th</sup> September 2018, meaning an average of 26 dwellings per annum (i.e. 65 / 2.5 years = 26)

**Table 3.4 – Build rates at “Pendleton Grange”, Clitheroe (Story)**

Monitoring period	2016/17	2017/18	April to September 2018	Total	Average
Dwellings completed	21	22	22	65	26.67

3.19 A site at Henthorn Road, Clitheroe had planning permission for 270 dwellings and recently completed (in April 2018). It was delivered by both Taylor Wimpey and Barratt Homes. It was under construction at October 2013 when 18 dwellings were recorded as being under construction. The average build rate was 60 dwellings per annum between two housebuilders and therefore 30 dwellings each as shown in the following table:

**Table 3.5 – Build rates at Henthorn Road, Clitheroe (Taylor Wimpey and Barratt)**

Monitoring period	October 2013 to March 2014	April 2014 to March 2015	April 2015 to March 2016	April 2016 to March 2017	April 2017 to March 2018	Total	Average
Dwellings completed	7	94	79	55	35	270	60 (30 each)

3.20 A site at Woone Lane, Clitheroe had planning permission for 126 dwellings and completed in September 2017. It was delivered by Miller Homes and known as “Primrose Village”. It was under construction at April 2013 when 17 dwellings were recorded as being under construction. The average build rate was 28 dwellings per annum as shown in the following table:

**Table 3.6 – Build rates at “Primrose Village”, Clitheroe (Miller)**

Monitoring period	April 2013 to March 2014	April 2014 to March 2015	April 2015 to March 2016	April 2016 to March 2017	April to September 2017	Total	Average
Dwellings completed	26	33	18	35	14	126	28

3.21 Consequently, the evidence demonstrates that the average build rate on large sites in Clitheroe is just below 30 dwellings per annum. This is similar to the build rate experienced on Taylor Wimpey’s other site, which is under construction in Longridge. On this basis, there is no

justification for increasing the build rate at Higher Standen to between 40 and 85 dwellings per annum.

- 3.22 At a build rate of 30 dwellings per annum, this means that 285 dwellings could expect to be achieved in the plan period, not 488. This means that **203 dwellings** should be taken from the Council's supply over the plan period.

## **Build rates at Chipping Lane, Longridge**

### **Site area and description**

- 3.23 This large site is 19.45 ha in area. It is greenfield land located to the north of Longridge, outside of the settlement boundary. To the north and east is open countryside. To the south is existing residential development. Sainsbury's supermarket is also located to the south.

### **Planning status**

- 3.24 On 29<sup>th</sup> October 2015, outline planning permission was granted for the development of up to 363 homes, the relocation of Longridge Cricket Club to provide a new cricket ground, pavilion, car park and associated facilities, a new primary school, vehicular and pedestrian access landscaping and public open space, with all matters reserved except for access (LPA ref: 3/2014/0764).
- 3.25 On 7<sup>th</sup> September 2016, the reserved matters for phase 1 (118 dwellings) at part of the site was approved (LPA ref: 3/2016/0193). On 14<sup>th</sup> September 2018, a revised reserved matters application was approved on phase 1 for 124 dwellings (LPA ref: 3/2018/0404). Barratt Homes is developing the site, which is known as "Bowland Meadow".
- 3.26 An application for phases 2 and 3 has been made and is pending determination (LPA ref: 3/2018/0975). It shows a further 184 dwellings, meaning 308 dwellings in total, not 363 dwellings as the outline permission allowed. This already means a reduction of 55 dwellings from the Council's supply. It is unsurprising that a reserved matters application for the subsequent phases was made at the end of last year because the outline permission required the submission of all reserved matters by the end of October 2018.

### **Build rates**

- 3.27 The Council's current trajectory for the site is now summarised in the following table:

**Table 3.7 – Council’s housing trajectory for Chipping Lane**

	1/10/18 – 30/09/19	1/10/19 – 30/09/20	1/10/20 – 30/09/21	1/10/21 – 30/09/22	1/10/22 – 30/09/23	1/10/23 – 30/09/24	1/10/24 – 30/09/25	1/10/25 – 30/09/26	1/10/26 – 30/09/27	1/10/27 – 31/03/28	Total
Phase 1	20	34	34	34	2	0	0	0	0	0	124
Later Phases	0	20	34	34	34	34	34	34	15	0	239
Total	20	54	68	68	36	34	34	34	15	0	363

3.28 It is unclear on the evidence that the Council relies on to claim that the site will deliver between 34 and 68 dwellings per annum.

3.29 The Council appears to rely on the statements of common ground between the Council and Barratt Homes provided within the HLAS Evidence of Delivery document (November 2018 – pages 44-47 and 88-91), which set out the build rates in the table above. This evidence confirms that both phase 1 and later phases are in control of Barratt. There is no indication that a further housing developer will deliver the site. Therefore, it is unclear why the later phases would start being delivered before the first phase is complete.

3.30 Indeed, we note that the comment in the Statement of Common Ground on page 55 states:

*“These figures are based upon Barratts forecast legal completions and will be subject to market conditions. Furthermore, the above will be informed by the actual timing of the reserved matters (awaiting LPA decision)”*

3.31 We have already set out the build rates experienced on the Taylor Wimpey site at Longridge, which is an average of 29 dwellings per annum. Therefore, whilst we accept that 20 dwellings will be delivered in year 1, we have applied the build rate of 30 dwellings per annum to the site from year 2 onwards. This means that 275 dwellings could be delivered on the site in the plan period and means **88 dwellings** should be removed from the Council's plan period supply.

## Small sites

3.32 The Council's supply over the plan period includes 308 dwellings from small sites over the plan period from the following sources:

- 77 no. dwellings on small sites with full planning permission;
- 8 no. dwellings on small sites with outline planning permission;
- 76 no. dwellings on small sites under construction;
- 78 no. dwellings on conversions that have not started; and
- 69 no. dwellings on conversions that have started.

3.33 However, as explained later in this statement, the delivery of small sites over the plan period to date has been less than 26 dwellings per annum. Therefore, 247 dwellings on small sites could be expected over the remainder of the plan period on small sites (i.e.  $26 \times 9.5$  years). This means that **61 dwellings** should be removed from the Council's supply over the plan period (i.e.  $308 - 247 = 61$ ).

## Summary in relation to housing land supply over the plan period

3.34 The Council's housing land supply over the plan period should be reduced by 352 dwellings (i.e.  $203 + 88 + 61$ ). This means that at best only 2,937 dwellings would be delivered over the remainder of the plan period to 2028 (i.e.  $3,289 - 352 = 2,937$ ) and there is a shortfall of **301 dwellings**. This will not be addressed by the proposed allocations in the HED DPD.

3.35 This assumes that all of the sites in the trajectory (apart from Standen and Chipping Lane for the reasons set out above) will deliver in full as set out in the Council's trajectory. However further sites should be identified to provide flexibility in the event that the sites in the trajectory do not come forward as the Council anticipates.

3.36 Within this context, we note that the Council's response to the Inspector's Issues and Questions (15<sup>th</sup> December 2017) explained that at that time, there were 5,967 dwellings in the Borough with consent, which was over 350 dwellings more than the total housing requirement. Therefore, we consider that a flexibility allowance of at least 350 dwellings should be identified, which equates to approximately 10% of the residual requirement of 3,289 dwellings.

3.37 This means that with the shortfall, **651 dwellings** should be identified (i.e.  $301 + 350 = 651$ ).

3.38 The submitted HED DPD however only proposes to allocate 50 dwellings at Mellor and Wilpshire and therefore further sites are required. Whilst the Council has identified five potential additional allocations, this was on the basis that in the Council's view they were the most appropriate sites to assist the Council demonstrate a five year supply. Given that there is a shortfall in the supply over the plan period, further allocations should be considered on this basis. In any event, even if the five potential additional allocations were found sound, they would only provide 210 dwellings and would not meet the shortfall in the supply in the plan period and the additional flexibility required.



## 4. Affordable housing to 2028

4.1 There is a pressing need for new affordable housing in Ribble Valley:

- The Strategic Housing Market Assessment (SHMA, December 2008) concluded that the net annual housing need of social rented dwellings was 264 dwellings per annum.
- The Council's "Addressing Housing Need in Ribble Valley" (June 2011) confirmed that Ribble Valley has the lowest provision of social housing in the North West with 0.7% of the total stock being social rented units.
- The 2013 SHMA updated the 2008 SHMA and took account of the guidance in the Planning Practice Guidance. It concluded that there was a **net annual need of 404 affordable dwellings in Ribble Valley** for the first five years.
- The Core Strategy Inspector took into account a recalculation based on a higher percentage (35%) of income spent on housing than the SHMA did (25%), this would reduce the net annual need to **268 affordable homes**. The Inspector also took into account 154 households living in private rented accommodation, but still found the scale of need to be 114 dwellings per year for the first 5 years.

4.2 Notwithstanding the above, the Core Strategy monitors affordable housing against a housing target of 75 units per year (i.e. 1,500 affordable homes over the plan period to 2028).

4.3 The latest HLAS confirms that just 647 affordable dwellings were delivered between 1<sup>st</sup> April 2008 and 30<sup>th</sup> September 2018, which is only 23% when compared to the need of 2,814 over the same period (i.e. 10.5 years X 268). This results in a shortfall of 2,167 affordable homes. The number of affordable dwellings completed has therefore been significantly below the needs identified.

4.4 Even against the annual target of 75, the target over the first 10.5 years would collectively be 788 affordable homes and therefore the shortfall would be 141 affordable homes. To meet the target over the plan period, 853 affordable homes would need to be delivered to 2028. Now that the Council accepts that the Standen Strategic Site (which is to deliver up to 312 affordable homes) will not deliver in full in the plan period, it is unclear how the Council intends to address affordable housing needs and meet the target set out in the Core Strategy in the plan period to 2028.

4.5 We have reviewed the commitments and on the Council's own figures there are only a further 817 affordable homes that could potentially be delivered in the plan period to 2028. This is

shown in the table appended at **EP1** and demonstrates that the Council will not even meet the housing target set out in the Core Strategy based on its own figures.

- 4.6 This assumes however that the Standen and Chipping Lane sites would deliver as the Council's trajectory has suggested. As set out in the previous section to this statement, we consider that the Council's trajectory is unrealistic compared to the average build rates experienced on other sites in the Borough and once a realistic build rate has been applied, fewer dwellings would be delivered in the plan period. This means that fewer affordable homes would be delivered. Our assessment is that only 729 affordable homes could potentially be delivered over the remaining years to 2028, which means that the target will not be met by an even greater margin.
- 4.7 The proposed allocations in the HED DPD will not address the shortfall in affordable housing. Therefore, further sites are required.

## 5. Five year housing land supply

5.1 Paragraph 214 of the 2018 NPPF explains that the policies in the 2012 NPPF will apply for the purposes of examining plans submitted on or before 24<sup>th</sup> January 2019. Therefore, our assessment of the Council's five year housing land supply is based on the 2012 NPPF.

### Background

5.2 The Council's position in relation to its five year housing land supply has changed a number of times since the HED DPD was submitted for examination. We set out the following timetable of events below.

- **28<sup>th</sup> July 2017** – The Council submitted the HED DPD to the Secretary of State for examination. At that time, the most up to date Housing Land Availability Schedule (HLAS) had a base date of 31<sup>st</sup> March 2017 and claimed that the Council could demonstrate a five year supply of housing land against its housing requirement and a 5% buffer of 5.73 years.
- **25<sup>th</sup> October 2017** – A decision relating to an appeal made by Mr and Mrs Drummer against the decision of the Council to refuse to grant planning permission for 5 no. dwellings at Lower Standen Hey Farm, Whalley Road, Clitheroe was issued. The appeal was determined within the context of the HLAS which had a base date of 31<sup>st</sup> March 2017 as described above. In dismissing the appeal, Inspector Catchpole concluded that the Council could demonstrate a five year housing land supply but that a 20% buffer applied.
- **15<sup>th</sup> December 2017** – The Council submitted its response to the Inspector's Main Issues and Questions and refers to the HLAS which has a base date of 30<sup>th</sup> September 2017 and claimed that the Council could demonstrate a five year supply of housing land against its housing requirement and a 5% buffer of 5.9 years. This was despite the findings of Inspector Catchpole in the Lower Standen Hey Farm appeal decision described above.
- **22<sup>nd</sup> May 2018** – A decision relating to an appeal made by VH Land Partnership against the decision of the Council to refuse to grant outline planning permission at land at Higher Road, Longridge appeal decision was issued. The appeal was determined within the context of the HLAS which had a base date of 30<sup>th</sup> September 2017 as described above. In allowing the appeal, Inspector Wildgoose concluded that the claims of the HLAS (base date 30<sup>th</sup> September 2017) were unfounded and that the Council could only demonstrate a five year housing land supply of approximately 4.5 years and that a 20% buffer applied.
- **17<sup>th</sup> July 2018** – A special meeting of the Planning and Development Committee was held. At the meeting, members endorsed a HLAS which had a base date of 31<sup>st</sup> March 2018 and claimed that the Council could demonstrate a 4.6 year supply against its

housing requirement with a 20% buffer or a 5.3 year supply against its housing requirement plus a 5% buffer.

- **10<sup>th</sup> September 2018** – The Council published a new HLAS with a base date of 30<sup>th</sup> June 2018. This claimed that the Council could demonstrate a 5.35 year supply against its housing requirement plus a 5% buffer.
- **9<sup>th</sup> October 2018** – The hearing into an appeal by the Trustees of Hammond Ground against the decision of the Council to refuse to grant outline planning permission for 50 dwellings at Hammond Ground, Whalley Road, Read opened. At the opening of the appeal, the Council accepted that the claims of the HLAS (base date 30<sup>th</sup> June 2018) were unfounded and that it could not demonstrate a five year supply of housing land. The Council claimed that it could demonstrate a five year supply of 4.9 years against its housing requirement plus a 5% buffer.
- **14<sup>th</sup> November 2018** – The decision in relation to the Hammond Ground appeal was issued. In dismissing the appeal, Inspector Lewis assumed the position of the appellant of 3.86 years supply in his assessment on a worse case basis.
- **20<sup>th</sup> November 2018** – The Council published a revised HLAS with a base date of 30<sup>th</sup> September 2018. Despite confirming that it could only demonstrate a 4.9 year supply at the beginning of October, the HLAS now claims that the Council can demonstrate a five year supply of 6.1 years against the housing requirement plus a 5% buffer.
- **5<sup>th</sup> December 2018** – The Council published a "Housing Position Paper".

## Assessment of the Council's five year housing land supply

5.3 Our assessment of the Council's five year housing land supply against the 2012 NPPF is based on six key stages:

1. Agreeing the base date and five year period;
2. Identifying the housing requirement;
3. Identifying the accumulated backlog;
4. Identifying the method of addressing the backlog;
5. Applying the appropriate buffer; and
6. Identifying a Realistic and Deliverable Supply.

5.4 Each stage is addressed below.

### Stage 1: Agreeing the base date and five year period

5.5 The base date is the start date for the five year period for which both the requirement and supply should relate.

5.6 The Council's latest HLAS has a base date of 30<sup>th</sup> September July 2018. The five year period is therefore 1<sup>st</sup> October 2018 to 30<sup>th</sup> September 2023. If the Council changes the base date again during the examination of the HED DPD, we request the opportunity to make further comment.

### Stage 2: Identifying the housing requirement

5.7 Paragraph 47 of the 2012 NPPF stated that the Council should identify a supply against its housing requirement. The housing requirement set out in the Core Strategy is 5,600 dwellings for the period 2008 to 2028 (i.e. 280 dwellings per annum).

### Stage 3: Identifying the accumulated backlog

5.8 Against the Local Plan Core Strategy requirement of 280 dwellings p.a., it is agreed that the backlog is 578 dwellings as set out in the following table:

**Table 5.1 – Housing completions in Ribble Valley 01/04/08 – 30/09/18**

Year	Requirement (dwellings p.a.)	Completions (net)	Over / under provision	Cumulative
2008/09	280	75	-205	-205
2009/10	280	89	-191	-396
2010/11	280	69	-211	-607
2011/12	280	147	-133	-740
2012/13	280	172	-108	-848
2013/14	280	183	-97	-945
2014/15	280	345	65	-880
2015/16	280	300	20	-860
2016/17	280	390	110	-750
2017/18	280	400	120	-630
01/04/18 – 30/09/18	140	192	52	-578
<b>Total</b>	<b>2,940</b>	<b>2,362</b>	<b>-578</b>	
<b>Average</b>	<b>280</b>	<b>225</b>		

### Stage 4: Identifying the method of addressing the backlog

5.9 It is agreed that the backlog should be addressed in full over the five year period. This is known as the 'Sedgefield' method.

## **Stage 5: Applying the appropriate buffer**

5.10 Paragraph 47 of the 2012 NPPF explained that the 5% buffer should be increased to 20% where there has been a record of persistent under delivery.

5.11 Paragraph 035 (Reference ID: 3-035-20140306) of the PPG: “How should local planning authorities deal with past under supply?” stated:

*“The approach to identifying a record of persistent under delivery of housing involves questions of judgment for the decision maker in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing.*

*The factors behind persistent under delivery may vary from place to place and, therefore, there can be no universally applicable test or definition of the term. It is legitimate to consider a range of issues, such as the effect of imposed housing moratoriums and the delivery rate before and after any such moratoriums.*

*The assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle.”*

5.12 Consequently, the test set out in the 2012 NPPF is the planning judgment informed by all of the circumstances as to whether or not there has been “persistent under delivery”.

5.13 As set out in table 5.1 above, despite achieving over 280 dwellings in the last 4.5 years, in each and every one of the six previous years (i.e. 2008/09 to 2013/14), the Council under delivered against the annual housing requirement. In summary, completions have only exceeded the requirement in 4 full years in the last 10 years. This has resulted in a huge shortfall of 578 dwellings, which equates to over 2 years of unmet need (i.e.  $578 / 280$  dwellings = 2.06 years).

5.14 As the guidance in the PPG set out above indicates, a longer term view needs to be taken by the decision maker to take into account the peaks and troughs of the housing market cycle. Taking into account the ‘peaks’ over the last 4.5 years and the ‘troughs’ of the first 6 years of the plan period, there is still a substantial backlog of 578 dwellings. There has clearly been persistent under delivery in Ribble Valley and the 20% buffer should apply.

5.15 Looking back further than the 10 years since the start of the Core Strategy period as the PPG suggests should be done, prior to the Core Strategy, the relevant housing requirement was set out in the North West Regional Spatial Strategy. This set out a housing requirement of 2,900

dwellings between 2003 and 2021 meaning an annual average of 161 dwellings (i.e. 2,900 / 18 years). It was revoked in May 2013. Whilst the annual RSS requirement was 60% of the annual Core Strategy requirement, the Council persistently under delivered against the RSS requirement and by the time it was revoked, there was a shortfall of 260 dwellings. This is set out in the following table.

**Table 5.2 – Completions against the RSS requirement from the base date in 2003 to 2013**

Year	RSS Requirement (dwellings p.a.)	Completions (net)	Over / under provision	Cumulative over / under provision
2003/04	161	287	126	126
2004/05	161	204	43	169
2005/06	161	165	4	173
2006/07	161	83	-78	95
2007/08	161	59	-102	-7
2008/09	161	75	-86	-93
2009/10	161	89	-72	-165
2010/11	161	69	-92	-257
2011/12	161	147	-14	-271
2012/13	161	172	11	-260
<b>Total</b>	<b>1,610</b>	<b>1,350</b>	<b>-260</b>	
<b>Average</b>	<b>161</b>	<b>135</b>		

5.16 There have been two recent appeal decisions that have considered which buffer should apply in Ribble Valley against the 2012 NPPF. The first relates to land at lower Standen Farm, Whalley Road, Pendleton<sup>1</sup>. The appeal was dismissed on 25<sup>th</sup> October 2017. However, in the appeal decision, the Inspector robustly rejected the Council's "premature" adoption of the Housing Delivery Test and concluded that there has been persistent under delivery in Ribble Valley. Paragraphs 17 and 18 of the appeal decision state:

*"17. The Council has indicated that it has a 5.73-year HLS which is based on information from April 2017 which is materially different from the position at determination which was based on information from September 2016. Despite this fact, the appellants maintain that a deliverable 5-year HLS is not present. This is because they contend that a 5% buffer should not have been applied and that the available housing land supply has also been overestimated.*

*18. Turning to the first matter, the Council has justified the use of a 5% buffer through the application of a 'housing delivery test', as set out in a recent*

<sup>1</sup> PINS ref: APP/T2350/W/17/3174924 – appendix EP2

*Government White Paper. This suggests that a 20% buffer should not apply where completions over the last three years of a monitoring period exceed the annualised requirement, as set out in a development plan. Whilst clearly signalling Government intent, I find the adoption of this approach premature at the current time because it is based on a consultation document that could be subject to change despite the fact that the approach was due for implementation by November 2017. In any event, I note that the Council has used an unadjusted annualised requirement of 280 houses which has failed to account for a backlog of 750 houses which gives a higher annualised requirement of 430. Under such circumstances, it is clear that the Council has failed to meet its annual targets since the beginning of the plan period. As such, I am satisfied that a persistent record of under-delivery is present." (our emphasis)*

- 5.17 It is relevant to note that this appeal decision pre-dated the publication of the previous HLAS (on 30<sup>th</sup> November 2017) and yet in that document the Council continued to maintain within the HLAS that a 5% buffer should be applied.
- 5.18 The second appeal decision related to an appeal made by VH Land Partnership against the decision of the Council to refuse to grant outline planning permission for a residential development of up to 123 houses at land at Higher Road, Longridge<sup>2</sup>. In allowing the appeal, Inspector Wildgoose concluded that the Council could not demonstrate a deliverable five year supply. Paragraphs 17 and 18 of the appeal decision set out the Inspector's conclusions in relation to the buffer as follows:

*"17. The Council have justified the application of a 5% buffer, rather than a 20% buffer, on the basis that it accords with the approach of a 'housing delivery test' set out in a Government White Paper that has been taken forward in the National Planning Policy Framework - draft text for consultation, March 2018, and associated draft updates to Planning Practice Guidance. The approach of the proposed housing delivery test suggests that a 20% buffer would not apply in circumstances where the completions over the last three years of the monitoring period exceed the identified housing requirement as set out in the development plan. In that respect, the housing delivery in Ribble Valley has exceeded the annual requirement set out in Key Statement H1 of the CS for the last three years. However, appeal decisions have been drawn to my attention at Dalton Heights, Seaham and Lower Standen Hey Farm, Clitheroe where Inspectors considered the application of methodologies subject to consultation to be premature.*

*18. I concur with those Inspector findings as although the methodology set out in the March 2018 consultations relating to the draft Framework, Planning Practice Guidance and associated Housing Delivery Test - Draft Measurement Rule Book indicate the Government's intent, it remains subject to consultation*

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<sup>2</sup> PINS ref: APP/T2350/W/17/3186969 – appendix **EP3**



*with no certainty that it will be formally adopted and implemented in its current form. In existing circumstances, the improved housing delivery rates in Ribble Valley between 1 April 2014 and 30 September 2017 should not prevail over the longer period of persistent under-delivery of housing that was significantly below the annual requirement during each year between April 2008 and March 2014. The adoption of the CS has had an influence upon the recent increase in housing delivery rates, but the longer period of under-delivery has resulted in a considerable shortfall of housing delivery in Ribble Valley during the first half of the plan period that in total is more than two years of the annualised requirement in Key Statement H1.1, therefore, consider that there is a persistent record of under-delivery of housing in Ribble Valley and a 20% buffer should be applied to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.*" (our emphasis)

- 5.19 Both of these recent appeal decisions refer to the need to the significant shortfall, which has resulted in a higher annualised requirement than the 280 dwelling "base requirement". Whilst a further year of completions has been recorded since the Higher Road appeal decision, this does not materially change the position as the backlog has only been reduced by 52 dwellings from 630 at 30<sup>th</sup> September 2017 to 578 at 30<sup>th</sup> September 2018.

## Summary in relation to the housing requirement

- 5.20 In summary, the number of dwellings the Council is required to deliver in the next five years is 1,978 dwellings (i.e. 280 X 5 years, plus 578 backlog). In addition, the total supply that needs to be demonstrated including the buffer is 2,366 dwellings as a 20% buffer must also be demonstrated. This position is set out in the following table:

**Table 5.3 – Summary position regarding the five year requirement plus buffer from 1<sup>st</sup> October 2018**

	Requirement	
A	Local Plan housing requirement (1 <sup>st</sup> April 2008 to 31 <sup>st</sup> March 2028)	5,600
B	Annualised net Local Plan housing requirement (5,600 / 20 years)	280
C	Five year net Local Plan housing requirement	1,400
D	Net housing shortfall 1 <sup>st</sup> April 2008 to 30 <sup>th</sup> September 2018 (2,940 requirement – 2,362 completions)	578
E	Five year requirement including backlog (C + D)	1,978
F	Buffer	396
G	Total supply to be demonstrated (E + F)	2,374
H	Annual average (G / 5)	475

## Stage 6: Identifying a Realistic and Deliverable Supply

- 5.21 The latest HLAS (base date 30<sup>th</sup> September 2018) claims that the Council can demonstrate a deliverable five year supply of housing of 2,543 dwellings.
- 5.22 As the Inspector is aware, the 2018 NPPF significantly changed the definition of what constitutes a deliverable site. Whilst the 2012 NPPF stated that all sites with planning permission should be considered deliverable until planning permission expires or there is clear evidence that schemes will not be implemented within five years, the 2018 NPPF states that large sites with outline planning permission should “only” be considered deliverable where there is “clear evidence” that housing completions will “begin” on site within five years. The onus is now on the Council to provide the clear evidence for any sites with outline planning permission and allocated sites that completions will begin on sites within the five year period. The implication of this is that 20% of the Council's claimed supply (i.e. 496 dwellings) which only has outline planning permission may not be considered to be deliverable under the 2018 NPPF.
- 5.23 Notwithstanding this, the Inspector has confirmed that the HED DPD is to be examined under the 2012 NPPF. Therefore for the purposes of the examination only, the Council's supply should be considered within the context of footnote 11 of the 2012 NPPF, which stated that:

*“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”*

- 5.24 We have assessed the Council's five year supply within this context and conclude that the following deductions should be made to the Council's five year supply figure of 2,543 dwellings:

### **Build rates on large sites**

- 5.25 As can be seen in Table 2 of the HPP (which starts on page 13), the Council applies a build rate of 30 dwellings per annum to most of the large sites in the Council's supply with one developer. This generally accords with the build rate experienced on other sites with a single developer. However, the Council has increased the build rate at the Standen and Chipping Lane sites. For the reasons set out in section 3 of this statement, we consider the build rate applied by the

Council is unrealistic. Once a realistic build rate of 30 dwellings per annum is applied to these two sites, **254 dwellings** should be removed from the Council's five year supply as set out in the following table:

**Table 5.4 – Build Rates at Standen and Chipping Lane in the Five Year Period**

	Council						Emery Planning						Difference
	Y1	Y2	Y3	Y4	Y5	Total	Y1	Y2	Y3	Y4	Y5	Total	
Standen	50	50	68	85	55	308	30	30	30	30	30	150	<b>-158</b>
Chipping Lane	20	54	68	68	36	246	30	30	30	30	30	150	<b>-96</b>
						<b>554</b>						<b>300</b>	<b>-254</b>

### Small sites

5.26 The Council's five year housing land supply includes a small sites windfall allowance of 78 dwellings. This is based on 26 dwellings in years 3, 4 and 5 of the five year period.

5.27 This is in addition to the 300 dwellings the Council already includes in its supply on small sites from the following sources:

- 77 no. dwellings on small sites with full planning permission;
- 76 no. dwellings on small sites under construction;
- 78 no. dwellings on conversions that have not started; and
- 69 no. dwellings on conversions that have started.

5.28 Therefore, the Council considers that 378 dwellings will be delivered on small sites between 1<sup>st</sup> October 2018 and 30<sup>th</sup> September 2023 (an average of 76 dwellings per annum).

### Windfall sites

5.29 Paragraph 48 of the 2012 NPPF stated:

*“Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens”.*

5.30 Paragraph 3-024 of the PPG: “How should a windfall allowance be determined in relation to housing?” stated:

*“A windfall allowance may be justified in the 5-year supply if a local planning authority has compelling evidence as set out in paragraph 48 of the National Planning Policy Framework.”*

Compelling evidence

5.31 The Council has not provided compelling evidence to justify a windfall allowance in the five year supply for the following reasons.

5.32 Firstly, the Council makes no reference to its SHLAA, which in any case was adopted in November 2013 and is therefore over 5 years old.

5.33 Secondly, the Council has not provided the specific evidence in relation to “historic windfall delivery rates”. The table on page 5 of the HLAS provides the number of dwellings “completed or under construction” on windfall sites between 2008 and 2018. As small windfall sites under construction have erroneously been included, it is unclear as to what the actual annual delivery rate of small windfall sites was over the 10 year period.

5.34 Thirdly, the Council's case in relation to its windfall allowance is based on past trends over the last 10 years, which demonstrate that an average of 26 no. dwellings were completed (or were under construction) per year on small sites between 2008 and 2018. However, as above, the Council's supply already includes 300 dwellings on small sites with planning permission. If all of these 300 dwellings are delivered in the five year period, as the Council's trajectory claims, the annual completion rate on small sites would be 60 dwellings per annum – far in excess of past trends (of less than 26 dwellings per annum). Therefore, based on past trends, there is no compelling evidence that a further 78 dwellings should be included in the five year supply in addition to the 300 dwellings.

5.35 Within this context, we refer to a decision regarding an appeal made by Morris Homes against the decision of Shropshire Council to refuse to grant outline planning permission for the erection of up to 125 dwellings at land at Longden Road, Shrewsbury, Shropshire (PINS ref: Appeal Ref:

APP/L3245/W/15/3011886<sup>3</sup>). In that appeal, the Inspector commented on Shropshire's windfall allowance in paragraphs 39 to 42 as follows:

*“39. Historically small windfall sites have represented an important component of housing land supply in Shropshire. In the 10 year period between 2003/4 and 2012/13 an average of 299 dwellings per annum were completed on small windfall sites.*

*40. Given the nature of the County, which includes Shrewsbury, 18 other settlements identified as market towns or key centres and a large number of other villages and hamlets, I consider that it is legitimate to assume that small sites will continue to make a significant contribution to housing supply. In the absence of any material to demonstrate that the supply of such sites is reducing it is reasonable to expect that the contribution will be at a similar level to that which has occurred in the recent past. Consequently I believe that the Council's assumption of an average of 299 dwellings per annum being provided on small windfall sites over the next 5 years is not unrealistic. On the basis of this assumption over the 5 year period some 1,495 dwellings would be provided on small windfall sites.*

*41. The Council does not include any allowance for windfalls on small sites in the first three years of the supply as it is held that such sites will already be included within the supply figures (i.e. recorded as sites with planning permission etc.). Consequently the Council only includes 2 years of windfall supply from small sites, or 598 dwellings, within its supply figures.*

*42. It is apparent, however, that the Council's housing land supply figures already anticipate 1,232 completions on small sites for the 5 year period. If the Council's suggested windfall figure of 598 dwellings is added in this would increase the supply on small sites to 1,830. This would represent 366 dwellings per annum or 67 dwellings per annum more than the past annual completion rate on windfall sites of 299 dwellings. Consequently I believe that 335 dwellings (i.e. 67 x 5) should be discounted from the windfall allowance, leaving a total of 263 dwellings.”*

5.36 Therefore, the windfall allowance should not be included and this results in a deduction of **78 dwellings** in the Council's supply.

#### Small sites with planning permission

5.37 Based on past trends, the 300 dwellings on small sites with planning permission will not all be delivered in the five year period and only 130 no. dwellings would be delivered (i.e. 26 X 5 = 130). This is a maximum figure because as above, the 26 dwellings per annum includes sites that

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<sup>3</sup> Appendix **EP4**

were under construction as well as those completed. This means that 170 no. dwellings should not be included in the five year supply (i.e.  $300 - 130 = 170$ ).

5.38 Footnote 11 of the 2012 NPPF stated that:

*“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”*

5.39 Therefore, the starting position is that all 300 small sites with planning permission should be considered deliverable as long as there is a “realistic prospect” that they will be delivered and “unless there is clear evidence that they will not be implemented within five years”. In this case, based on past trends, there is no realistic prospect that all 300 dwellings on the small sites will be delivered in the five year period. The clear evidence is set out in the table on page 5 of the current HLAS.

5.40 In addition, we note that the HLAS (base date 31<sup>st</sup> March 2013) explained that 327 dwellings had planning permission on small sites at 31<sup>st</sup> March 2013 made up of the following sources:

- 112 no. dwellings on small sites with full planning permission;
- 40 no. dwellings on small sites with outline planning permission
- 47 no. dwellings on small sites under construction;
- 88 no. dwellings on conversions that have not started; and
- 40 no. dwellings on conversions that have started.

5.41 However, the table on page 5 of the current HLAS confirms that only 144 no. dwellings were either completed or under construction over the five year period from 1<sup>st</sup> April 2013 to 31<sup>st</sup> March 2018, not 327 dwellings as the HLAS at 31<sup>st</sup> March 2013 considered would be. Therefore, whilst there is currently planning permission for 300 dwellings on small sites, not all of these will be delivered in the five year period. Based on past trends, 130 dwellings will be delivered on small sites and consequently, a further **170 dwellings** should be removed from the five year supply.

## Summary in relation to deductions

5.42 In summary, we conclude that 502 dwellings should be removed from the Council's five year supply from the following sources (i.e.  $254 + 78 + 170 = 502$ ). Therefore, we conclude that the deliverable supply at 1<sup>st</sup> October 2018 within the context of the 2012 NPPF is 2,042 dwellings (i.e.  $2,543 - 2,042$ ).

## Five year housing land supply at 30<sup>th</sup> September 2018

5.43 In conclusion, based on a housing requirement of 280 dwellings per annum and a backlog of 578 dwellings to be addressed in full in the five year period (i.e. Sedgefield method), the total five year requirement equates to 1,978 dwellings (i.e.  $1,400 + 578$ ).

5.44 There has been the persistent under delivery of housing in Ribble Valley and therefore a 20% buffer should be applied in accordance with paragraph 47 of the 2012 NPPF. This means the total supply that the Council must demonstrate equates to 2,374 dwellings.

5.45 On the supply side, our assessment within the context of the 2012 NPPF is that the five year supply position at 1<sup>st</sup> October 2018 is 2,042 dwellings. Consequently, the five year supply equates to **4.3 years** as summarised below.

**Table 5.5 – Summary position regarding the five year requirement plus buffer from 1<sup>st</sup> October 2018**

	Requirement	
A	Local Plan housing requirement (1 <sup>st</sup> April 2008 to 31 <sup>st</sup> March 2028)	5,600
B	Annualised net Local Plan housing requirement ( $5,600 / 20$ years)	280
C	Five year net Local Plan housing requirement	1,400
D	Net housing shortfall 1 <sup>st</sup> April 2008 to 30 <sup>th</sup> September 2018 (2,940 requirement – 2,362 completions)	578
E	Five year requirement including backlog (C + D)	1,978
F	Buffer	396
G	Total supply to be demonstrated (E + F)	2,374
H	Annual average ( $G / 5$ )	475
	<b>Supply</b>	
I	Five year supply 1 <sup>st</sup> October 2018 to 30 <sup>th</sup> September 2023	2,042
J	Years supply (I / H)	<b>4.3</b>

## 6. Conclusions

- 6.1 For the reasons set out in this statement, additional land is required for housing in Ribble Valley to:
- a. ensure that the housing requirement set out in the Core Strategy is achieved;
  - b. provide a realistic prospect that the affordable housing target is met; and
  - c. to assist the Council in achieving a demonstrable five year housing land supply.
- 6.2 The submitted HED DPD only proposes two housing allocations, with the potential to deliver only 50 dwellings in Mellor (18 dwellings) and Wilpshire (32 dwellings). Even if these two sites are found sound and are allocated, additional land would still be required for the plan to be found sound under paragraph 182 of the 2012 NPPF.
- 6.3 The Council has also identified five potential additional allocations. However, these were only identified by the Council because they were considered to be the most appropriate sites to assist the Council in demonstrating a five year supply. Given that there is a shortfall in the supply over the plan period, further allocations which will assist the Council in meeting its overall housing and affordable housing requirements should be identified.
- 6.4 In any event, even if the five potential additional allocations were found sound, they would only provide 210 dwellings and would not meet the shortfall in the overall housing and affordable housing over the plan period, with our figures suggesting that land for a further 400 dwellings should be identified.
- 6.5 Given that this shortfall includes a previously unidentified residual requirement in Clitheroe, and extends across the full plan period, rather than the five year period, we suggest that a full refresh of the call for sites / site selection process is undertaken to meet the overall shortfall of 650 dwellings.
- 6.6 As the Inspector is aware, our client's site at Langho has been put forward for consideration and previous hearing statements and submissions from Pegasus Planning have demonstrated that Langho is a highly sustainable settlement and that this site is well located within it, with direct access to sustainable transport via one of only four train stations in the Borough, a benefit that no other site put forward as part of the HED DPD process can offer, and one which goes to the



heart of the previous and revised NPPF in terms of promoting sustainable transport modes, reducing congestion, improving air quality and public health. The site would also deliver much needed affordable housing, which would assist in meeting the shortfall identified in this statement.

## 7. Appendices

- EP1. Housing and affordable housing trajectory
- EP2. Appeal decision regarding land at lower Standen Farm, Whalley Road, Pendleton
- EP3. Appeal decision regarding land at Higher Road, Longridge
- EP4. Appeal decision regarding land at Longden Road, Shrewsbury, Shropshire

EP1

Appendix EP1 - Housing Trajectories

A	B	C	D	E	F	G	H
	Site	Settlement	Council trajectory for plan period	Council affordable trajectory	EP trajectory for plan period	EP affordable trajectory	Affordable notes
1	Lawsonsteads	Whalley	160	48	160	48	
2	Barrowlands - Phase 2	Barrow	225	68	225	68	
3	Accrington Road	Whalley	77	23	77	23	
4	Higher Road	Longridge	122	37	122	37	
5	Standen - phase 2	Clitheroe	280	84	77	23	
6	Waddington Road	Clitheroe	207	62	207	62	
7	Chipping Lane - phases 2 and 3	Longridge	239	72	151	45	
8	Standen - phase 1	Clitheroe	208	68	208	68	
9	Barrowlands 1	Barrow	179	55	179	55	
10	Dilworth Lane	Longridge	137	18	137	18	26 AH in total, 8 completed
11	Chipping Lane - phase 1	Longridge	124	37	124	37	
12	Dale View	Billington	41	12	41	12	
13	Mills Way	Chipping	39	7	39	7	
14	Greenfield Avenue	Clitheroe	36	11	36	11	
15	Mill Lane	Gisburn	3	0	3	0	
16	Longsight Road	Langho	18	5	18	5	
17	Spout Farm	Longridge	34	10	34	10	
18	Pendle Street East	Sabden	17	0	17	0	
19	Victoria Mill	Sabden	30	0	30	0	
20	Oakhill College	Whalley	6	0	6	0	
21	Old Row	Barrow	23	7	23	7	
22	Malt Kiln	Chipping	4	0	4	0	
23	Chatburn Road	Clitheroe	23	6	23	6	
24	Henthorn Road	Clitheroe	24	7	24	7	
25	Whalley Road	Mellor Brook	5	0	5	0	
26	Worthalls Farm	Read	15	5	15	5	
27	1-9 Stonewater Close	Barrow	9	0	9	0	
28	Elbow Wood Drive	Barrow	35	13	35	13	
29	1-7 Whitethorne	Barrow	3	0	3	0	
30	Dale View 2	Billington	15	0	15	0	
31	Hare Hill Croft	Chatburn	7	0	7	0	
32	Coplow View	Clitheroe	60	15	60	15	
33	Appleby Square	Clitheroe	65	14	65	14	39 AH in total, 25 completed
34	Berkley Square	Clitheroe	26	12	26	12	12 AH in total, 0 completed
35	Sycamore Walk	Clitheroe	13	5	13	5	5 AH in total, 0 completed
36	Alexandra Close	Clitheroe	66	12	66	12	24 AH in total, 12 completed
37	Fax Hall Drive	Hurst Green	31	9	31	9	
38	Chapel Hill	Longridge	53	16	53	16	
39	Alston Meadow	Longridge	256	77	256	77	
40	Milton Road	Whalley	48	2	48	2	42 AH in total, 40 completed
41	Cherry Drive	Brockhall	1	0	1	0	
42	Eden Gardens	Brockhall	3	0	3	0	
43	Hillsode	Brockhall	1	0	1	0	
44	Meadow View	Read	7	0	7	0	
45	Moorcock Inn	Waddington	4	0	4	0	
46	Little Dudlands Farm	Rimington	2	0	2	0	
47	Small sites full pp	-	77	0	247	0	
48	Small sites outline pp	-	8	0		0	
49	Small sites dev commenced	-	76	0		0	
50	Small sites conversion	-	78	0		0	
51	small sites conversion started	-	69	0		0	
	<b>Total</b>		<b>3289</b>	<b>817</b>	<b>2937</b>	<b>729</b>	
	<b>Homes completed 01/04/08 - 30/10/18</b>		<b>2362</b>	<b>647</b>	<b>2362</b>	<b>647</b>	
	<b>Total predicted</b>		<b>5651</b>	<b>1464</b>	<b>5299</b>	<b>1376</b>	
	<b>Target</b>		<b>5600</b>	<b>1500</b>	<b>5600</b>	<b>1500</b>	
	<b>Over provision / shortfall</b>		<b>51</b>	<b>-36</b>	<b>-301</b>	<b>-124</b>	

EP2



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# Appeal Decision

Site visit made on 10 October 2017

**by Roger Catchpole DipHort BSc(hons) PhD MCIEEM**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25<sup>th</sup> October 2017**

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**Appeal Ref: APP/T2350/W/17/3174924**

**Lower Standen Hey Farm, Whalley Road, Clitheroe BB7 1EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Dummer against the decision of Ribble Valley Borough Council.
  - The application Ref: 3/2016/1196, dated 20 December 2016, was refused by notice dated 28 February 2017.
  - The development proposed is the erection of 5 no. dwellings and associated works.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. As the proposal is near a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The Council has an emerging plan that is yet to be adopted. Consequently, this appeal will be determined in accordance with the extant development plan having regard to the emerging policies, insofar as they may be relevant, and the National Planning Policy Framework 2012 (the Framework).
4. The appellants have drawn my attention to an appeal decision<sup>1</sup> relating to a nearby building to the west of the appeal site. Whilst I have paid careful attention to this decision, the circumstances are not similar in all respects because it is not within the setting of the listed building, has a significantly greater regard for its immediate landscape context, relies upon a more innovative design approach and predates the existing development plan. Consequently, this appeal has been determined on its individual merits and the evidence before me.

## Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the local area, bearing in mind the special attention that should be paid to the setting of the nearby Grade II listed building, 'Lower Standen Farmhouse'.

## Reasons

6. The appeal site is situated near the southernmost extent of the market town of

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<sup>1</sup> APP/T2350/A/12/2186164

Clitheroe. It comprises an extended curtilage of a listed farmhouse and an area of adjacent pasture that fronts onto the A671. The land generally rises from this road towards the farmhouse and is physically separated from the settlement by Pendleton Brook. The proposal comprises five detached dwellings arranged along an east-west axis. Access to the site would be via an existing driveway that links the A671 to a cluster of residential dwellings to the south west of the appeal site.

### *Character and appearance*

7. 'Lower Standen Farmhouse' (Ref: 1072091) dates from the early 19<sup>th</sup> century and has a number of curtilage structures to the rear that have been converted for residential use. The farmstead occupies an elevated position in the landscape to the west of the A671. Historic mapping confirms the presence of the farmstead and indicates that it was surrounded by agricultural land. The building comprises a single range with a subservient, later addition projecting from its northern gable end. It is constructed from coursed rubble which is covered in pebbledash render on its front elevation. This building has an unusual single storey and two storey bow window either side of its main entrance.
8. Whilst the setting of the building has been subject to domestication, with over-sized barn conversions and the construction of a modern bungalow immediately to the south, it nevertheless retains an agricultural character. This is because the farmyard to the rear and pasture around the front still remain clearly legible. As these features are indicative of its former use they are of evidential value. Notwithstanding the nearby bungalow, the buildings occupy a visually distinct position in comparison to the main settlement and, in landscape terms, are consequently read as a farmstead rather than as a residential development. Given the above, I find that the setting of the listed building, insofar as it relates to this appeal, to be primarily associated with the extended curtilage and pasture to the northeast of this building.
9. I observe from the plans and my site visit that the proposal would lead to a significant reduction in the openness of the nearby pasture and that the listed building would no longer remain legible as a semi-isolated building associated with a former farmstead, despite the retention of a small area of pasture in the southern part of the appeal site. I accept that this would maintain a primary view of the main elevation with glimpses of the farmyard beyond. However, this ignores the views of the wider farmstead, as set out above, which also contribute to its setting and thus its evidential value.
10. Consequently, I find the assessment of heritage significance too narrowly defined and therefore somewhat contrived. Furthermore, the suggestion that the proposal would be less harmful than changes that have already occurred carries little weight as the existence of harm is not a justification for further harm. Bearing in mind the existing rural character and appearance of the site, when viewed from the A671, I also find that the proposal would have a highly incongruent, suburbanising effect on the immediate area. This would not only result from the staggered, linear layout of the buildings and their regimented roof form, but also the associated hard landscaping, plot subdivision and domestic paraphernalia of future occupants.
11. Whilst I accept that more distant, undefined, vantage points may give rise to an inter-visibility that might suggest that the proposal is an integrated

extension of the southern settlement boundary, this is not how the proposal would be experienced by the majority of people who would regularly view the site from the A671. The appellants are of the opinion that the proposal would be well related to more recent development to the north of the appeal site. However, the open countryside is clearly demarcated at this point by the topography and vegetation associated with Pendleton Brook. Whilst similar in design, the proposal would result in the disruption of an otherwise visually distinct settlement boundary. Given the above, I find that the proposal would not only harm the setting of the listed building but would also be detrimental to the character and appearance of the rural landscape to the south of Clitheroe.

12. This impact would be significant given the high degree of visual prominence of the site. I observed that the proposal would be clearly visible to southbound road users given the rising ground, low stone wall and small number of intervening, deciduous trees. Whilst the trees are mature and would provide some screening during summer months this would not be the case during winter months when the scheme would be clearly visible. In any event, the trees are an impermanent feature that could be removed or die from natural causes at any time on the basis of the evidence that is before me. This also applies to the evergreen, boundary vegetation further to the south. If lost, the scheme would become clearly visible to northbound road users as well. As I have no planning mechanism before me to ensure the retention of these features, they cannot be relied upon to mitigate the harm that I have identified.
13. Paragraph 132 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given the separation distances and retention of some of the pasture, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal. Clearly, the proposal would make, an albeit, small contribution to housing provision and would be sustainably located in close proximity to a settlement with a wide range of services and alternative modes of transport. However, I do not find that this outweighs the harm that would be caused to the setting of the listed building to which considerable weight and importance must be attached.
14. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the setting of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with key statement EN5 and policies DMG1 and DME4 of the Ribble Valley Borough Council Core Strategy 2008-2028 (2014) (CS) that seek, among other things, to ensure that the settings of heritage assets are conserved and protected and that all development has regard to its surroundings, including any impact on landscape character. As a result, the proposal would not be in accordance with the development plan.

#### *Housing land supply*

15. Clitheroe is designated a Principal Settlement in Key Statement DS1 of the CS

which seeks to guide development to the most appropriate locations within a series of identified settlements. When development occurs outside settlement boundaries, as defined by the retained proposals map of the former local plan, it is deemed to be in the open countryside and policies DMG2 and DMH3 of the CS apply. The appellants accept that the site is outside the currently defined settlement boundary but are of the opinion that it may be subject to change in the emerging plan. However, the Council have indicated that there are no unresolved objections to the position of the settlement boundary at this location and that it will therefore remain unaltered on the emerging proposals map. Bearing in mind the late stage of the emerging plan, I give this some weight in the planning balance of this appeal.

16. Policy DMG2 indicates, among other things, that development in the open countryside will be required to be in keeping with the character of the landscape. This would clearly not be the case, as set out in paragraph 10-12 of this decision. Policy DMH3 goes on to identify a number of exceptions where development may be permitted. None of these apply in this particular instance and this fact is not disputed. However, the appellants have disputed the presence of a deliverable 5-year housing land supply (HLS) which, if accepted, could lead to the engagement of paragraph 49 of the Framework which, in turn, would engage the so called 'tilted balance' as set out in paragraph 14 of the Framework. Irrespective of any conclusion relating to 5-year HLS, paragraph 14 would not be engaged, however, because of the harm that I have identified to the setting of the designated heritage asset. This is because footnote 9 of paragraph 14 of the Framework indicates that development should be restricted under such circumstances.
17. The Council has indicated that it has a 5.73-year HLS which is based on information from April 2017 which is materially different from the position at determination which was based on information from September 2016. Despite this fact, the appellants maintain that a deliverable 5-year HLS is not present. This is because they contend that a 5% buffer should not have been applied and that the available housing land supply has also been overestimated.
18. Turning to the first matter, the Council has justified the use of a 5% buffer through the application of a 'housing delivery test', as set out in a recent Government White Paper<sup>2</sup>. This suggests that a 20% buffer should not apply where completions over the last three years of a monitoring period exceed the annualised requirement, as set out in a development plan. Whilst clearly signalling Government intent, I find the adoption of this approach premature at the current time because it is based on a consultation document that could be subject to change despite the fact that the approach was due for implementation by November 2017. In any event, I note that the Council has used an unadjusted annualised requirement of 280 houses which has failed to account for a backlog of 750 houses which gives a higher annualised requirement of 430. Under such circumstances, it is clear that the Council has failed to meet its annual targets since the beginning of the plan period. As such, I am satisfied that a persistent record of under-delivery is present.
19. Turning to the second matter, the appellants have suggested that there is a shortfall of deliverable housing that amounts to 2,357 homes rather than the 2,588 homes identified by the Council. This difference turns on the

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<sup>2</sup> Fixing our Broken Housing Market. February 2017. HM Government.



deliverability of three sites: Higher Standen Farm; 23-25 Old Row; and Lawsonsteads. The Council concedes that the last site will make a reduced contribution of between 90-120 homes rather than the 160 that has been estimated but is satisfied that the other two sites will deliver the expected number. In relation to the first site, I acknowledge the 'conversation' that occurred with the housebuilder but find that the conclusions have not been substantiated in any written evidence. Consequently, this assertion only carries limited weight in the balance of this appeal. In relation to the second site, I acknowledge that a reserved matters application is still pending and note the site history. However, under the terms of footnote 11 of paragraph 47 of the Framework I am satisfied that the site can still be considered deliverable.

20. Given the above, it follows that a potential shortfall of up to 70 homes would result in a 4.89-year HLS with a 20% buffer and a 5.57-year HLS with a 5% buffer. However, the Council have allowed for a 10% slippage in its calculations for all sites with planning permission or awaiting Section 106 agreements that had not commenced by the 31 March 2017. As this amounts to 177 homes and is not disputed by the appellants, I am satisfied that a 5-year HLS is present at the current time whichever buffer is applied.
21. I acknowledge the evidence concerning the local development land market across the Borough. However, the conclusions were not based upon a full market research report, as indicated in the relevant letter. Moreover, the evidence comprised a single sentence which concluded that there was an upper sales limit in 2016 of around 2 houses per month. This was based upon informal reporting rather than quantitative evidence and lacks a suitable degree of robustness as a result. Furthermore, sales are not the same as completions and asking prices can be adjusted. Consequently, this evidence can only be viewed as subjective, unsubstantiated opinion of a highly generalised nature with no specific link to the above sites. I therefore give it limited weight in the planning balance of this appeal.
22. Given the above, I conclude that the development would be in the open countryside and that the full weight of locational policies applies. The proposal would therefore be contrary to policies DMG2 and DMH3 of the CS and would not be in accordance with the development plan.

### **Conclusion**

23. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

*Roger Catchpole*

INSPECTOR

EP3



## Appeal Decision

Hearing held on 17 April 2018

Site visits made on 17 April 2018 and 18 April 2018

**by Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 22 May 2018**

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**Appeal Ref: APP/T2350/W/17/3186969**

**Land at Higher Road, Longridge**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by VH Land Partnership against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2016/1082, dated 17 November 2016, was refused by notice dated 18 April 2017.
  - The development proposed is an outline planning application for residential development for up to 123 houses; demolition of an existing house (74 Higher Road) and formation of access to Higher Road.
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### Decision

1. The appeal is allowed and planning permission is granted for an outline planning application for residential development for up to 123 houses; demolition of an existing house (74 Higher Road) and formation of access to Higher Road at Land at Higher Road, Longridge in accordance with the terms of the application, Ref 3/2016/1082, dated 17 November 2016, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. The application was submitted in outline with all detailed matters other than means of access reserved for future approval. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on that basis. The masterplan and illustrative material submitted with the planning application in so far as it relates to those matters has been taken into account for indicative purposes.
3. A signed and dated planning obligation by unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (UU) has been provided as part of this appeal. It includes obligations relating to affordable housing, off site leisure provision, highway and transport works and education. I consider the agreement in relation to the Regulatory tests of the Community Infrastructure Levy (CIL) in my decision.

### Main Issue

4. The main issue is whether the development proposed would be consistent with the objectives of policies relating to the location and supply of housing.

## Reasons

### *Location and supply of housing*

5. The appeal site, except for No 74, is undeveloped land comprising a number of agricultural fields that lie adjacent to the edge of the built up area of Longridge, which includes the linear arrangement of houses adjoining the site that face Higher Road and Dilworth Lane. There is also a residential development immediately adjacent that is under construction which is accessed from Blackburn Road and also adjoins Dilworth Lane. The remaining site boundary adjoins Tan Yard Lane, a track and bridleway accessed from Blackburn Road with open fields and reservoirs immediately beyond. The submitted plans indicate that the development of up to 123 dwellings would include a new access from Higher Road which would utilise the land currently occupied by No 74 that is proposed to be demolished.
6. Key Statement DS1 of the Ribble Valley Borough Council Core Strategy 2008 - 2028 - A Local Plan for Ribble Valley (CS), adopted December 2014, sets out the development strategy. It seeks to guide development to the most appropriate locations through the identification of groupings of settlements in a hierarchy based upon existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area. In that context, Longridge is identified as one of three principal settlements which are the highest order settlements within the hierarchy where the majority of new housing development will be located.
7. The housing requirement set out in Key Statement H1 of the CS indicates that land for residential development will be made available to deliver 5,600 dwellings, estimated at an average annual completion target of at least 280 dwellings per year over the plan period. The supporting text to Key Statement DS1 at paragraph 4.11 and Appendix 2 of the CS include tables which identify the number of houses required for each settlement by 2028 to meet the housing requirement. The number to be delivered in Longridge is stated as 1,160 houses during the plan period, with a residual number of 633 houses remaining as at 31 March 2014<sup>1</sup> to meet that figure.
8. In seeking to deliver the above, the CS does not define an up-to-date settlement boundary for Longridge and Key Statement DS1 of the CS indicates that specific allocations will be made through the preparation of a separate allocations DPD. Consequently, the settlement boundaries currently utilised by the policies of the CS are those defined by the proposals map of the preceding Ribble Valley Districtwide Local Plan. During the Hearing it was confirmed by the parties that it is not a matter of dispute that the site is located outside of the existing settlement boundary of Longridge and therefore, lies within open countryside.
9. Policy DMG2 of the CS, indicates amongst other things, that development in the open countryside will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. In that regard, the

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<sup>1</sup> Takes account of completions/permissions granted up to 31 March 2014, plus a reappportionment of 200 houses to other settlements in Ribble Valley to reflect a planning permission granted near to Longridge for 200 units at Whittingham Lane within Preston Borough.

landscape sensitivity of the site and its surroundings is assessed as medium by a landscape visual impact assessment (LVIA) accompanying the application. To my mind that assessment in the LVIA appropriately reflects the higher sensitivity of the open countryside generally, but takes into account that the steeply sloped topography of the land is viewed against the backdrop of existing properties that face Higher Road and Dilworth Lane with the rural character at the edge of the built up area further eroded by development under construction immediately to the south. Although the site lies close to the boundaries of the Longridge Conservation Area and the Bowland Forest Area of Outstanding Natural Beauty, it has no influence on the special character and interest of those areas due to the presence of intervening built form and landscaping.

10. With regard to the above, the construction of dwellings on the site would result in built development on greenfield land that currently consists of largely open fields in agricultural use. However, it is evident that when taken together with the development under construction immediately to the south that there is some scope to absorb development adjoining the existing settlement boundary and provide a more robust boundary between the built up area and open countryside. In that context, both Key Statement DS1 and Policy DMG2 of the CS, when taken together, permit development proposals in the principal settlements, including Longridge, which accord with the development strategy and consolidate, expand or round-off development so that it is closely related to the main built area. Nonetheless, although the site adjoins the principal settlement of Longridge it lies outside of it and therefore, does not meet the precise wording of either Key Statement DS1 or Policy DMG2 which require development proposals to be in the principal settlements and, therefore, it would result in a consequent loss of open countryside. In that respect, there is also conflict with Policy DMH3 of the CS that relates to dwellings in the open countryside and which seeks to limit residential development to a closed list of exceptions and criteria, which the proposed development would not meet.
11. In reaching the above findings, it is evident that the conflict with the above policies and the Development Strategy relates specifically to the existing designation of land as open countryside. Concerns have been expressed with respect to the oversupply of housing that would result from the development relative to the residual numbers for Longridge in paragraph 4.11 and Appendix 2 of the CS. However, I find no harm in that respect as those numbers are not intended to be interpreted as a ceiling and can be exceeded in circumstances to provide flexibility to meet the local needs set out in the CS and where there is infrastructure capacity to deliver the development. The development is intended to contribute to meeting significant local needs in terms of affordable housing and older persons housing in accordance with the CS. Furthermore, there is no substantive evidence before me that local infrastructure, utilities, services and facilities could not accommodate the development, including when taken cumulatively with development nearby within the administrative area of Preston City Council, subject to planning obligations that are considered in detail later in this decision.
12. I have also taken into account that the emerging Ribble Valley Housing and Economic Development - Development Plan Document (HED DPD) was submitted in July 2017 and did not include the site within its proposed allocations or its settlement boundary for Longridge. However, as the examination in public has yet to take place and there are unresolved objections

to the document including the proposed settlement boundary, the emerging HED DPD is not an influential factor upon the above findings. In addition, the Longridge 2028 Neighbourhood Development Plan - Regulation 16 Submission Draft - January 2018 (NDP) was also provided during the Hearing. However, the emerging NDP does not currently include specific housing policies relating to land beyond the Longridge settlement boundary or policies that add to those that are relevant to the proposal in the CS. In any case, the NDP is at an early stage of preparation and consequently, I can afford little weight to it.

13. When having regard to all of the above, there is conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the CS and the associated objectives relating to the location of housing and the protection of the countryside. Nevertheless, to conclude on the main issue as a whole it is necessary to also assess the existing housing land supply position in Ribble Valley which I go onto to consider.

#### *Housing land supply in Ribble Valley*

14. In order to boost significantly the supply of housing, paragraph 47 of the National Planning Policy Framework (the Framework) requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Footnote 11 of paragraph 47 states that to be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable to ensure that housing will be delivered on site within five years.
15. During the Hearing, the appellant provided an up-to-date position<sup>2</sup> relative to the Council's Housing Land Availability Schedule - October 2017 (HLAS) which has a base date of 30 September 2017 for the calculation of housing supply and includes the shortfall of delivery during the plan period to date of 649 dwellings. In that respect, the appellant considers that the Council can demonstrate a housing land supply of approximately 4.3 years when including a 20% buffer relative to paragraph 47 of the Framework. The Council position in the HLAS as at September 2017 was a housing land supply of 5.9 years, including the application of a 5% buffer, the existing shortfall of delivery, 10% slippage applied to sites with planning permission that had not started and a windfall allowance.
16. The Council have subsequently provided an April 2018 update to the figures as at 30 September 2017 which reduced the expected yield from large sites within the five year land supply by 240 dwellings, thereby reducing the housing land supply to approximately 5.4 years, when including a 5% buffer, the shortfall of delivery in the plan period, 10% slippage applied to sites with planning permission not started and windfalls. Aside from the level of buffer to be applied in accordance with the Framework, the differences between the parties reflect the level of contribution from large sites with planning permission and proposed allocations in the emerging HED DPD. There is no dispute between the parties with respect to a windfall allowance of 115 dwellings in total and based on the evidence before me, I have no reason to take a different view in that regard.
17. The Council have justified the application of a 5% buffer, rather than a 20% buffer, on the basis that it accords with the approach of a 'housing

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<sup>2</sup> Hearing document 5

delivery test' set out in a Government White Paper<sup>3</sup> that has been taken forward in the National Planning Policy Framework - draft text for consultation, March 2018, and associated draft updates to Planning Practice Guidance. The approach of the proposed housing delivery test suggests that a 20% buffer would not apply in circumstances where the completions over the last three years of the monitoring period exceed the identified housing requirement as set out in the development plan. In that respect, the housing delivery in Ribble Valley has exceeded the annual requirement set out in Key Statement H1 of the CS for the last three years. However, appeal decisions have been drawn to my attention at Dalton Heights, Seaham<sup>4</sup> and Lower Standen Hey Farm, Clitheroe<sup>5</sup> where Inspectors considered the application of methodologies subject to consultation to be premature.

18. I concur with those Inspector findings as although the methodology set out in the March 2018 consultations relating to the draft Framework, Planning Practice Guidance and associated Housing Delivery Test - Draft Measurement Rule Book indicate the Government's intent, it remains subject to consultation with no certainty that it will be formally adopted and implemented in its current form. In existing circumstances, the improved housing delivery rates in Ribble Valley between 1 April 2014 and 30 September 2017 should not prevail over the longer period of persistent under-delivery of housing that was significantly below the annual requirement during each year between April 2008 and March 2014. The adoption of the CS has had an influence upon the recent increase in housing delivery rates, but the longer period of under-delivery has resulted in a considerable shortfall of housing delivery in Ribble Valley during the first half of the plan period that in total is more than two years of the annualised requirement in Key Statement H1. I, therefore, consider that there is a persistent record of under-delivery of housing in Ribble Valley and a 20% buffer should be applied to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
19. The application of a 20% buffer, rather than a 5% buffer, to the Council's updated position submitted prior to the Hearing results in a housing land supply of approximately 4.7 years. The remaining differences between the parties relate to the contribution of a list of disputed sites submitted as part of the appeal that I deal with in turn below.
20. *Higher Standen Farm*. The site is under construction by a single developer and the Council's figures of 200 dwellings to be delivered within five years are derived from a delivery rate of 20 dwellings in year 1, with a delivery rate of 45 dwellings per annum in the remaining years. During the Hearing, the Council have indicated that commencements have been recorded in the half year to date, but with no completions so far. Based on the evidence before me, the delivery rate applied by the Council is at the upper end of the range provided by the developer which was 40 - 45 dwellings per annum. In that respect, whilst the delivery of 20 dwellings in the first year may be achievable, the 45 dwellings per annum in the remaining years appears overly optimistic when compared with delivery rates experienced in Ribble Valley on most other sites with a single developer. I, therefore, consider the lower delivery rate of 40 dwellings per annum to be a more reasonable forecast for years 2 - 5.

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<sup>3</sup> Fixing our Broken Housing Market, February 2017

<sup>4</sup> Appeal Ref: APP/X1355/W/16/3165490 - 29 September 2017

<sup>5</sup> Appeal Ref: APP/T2350/W/17/3174924 - 25 October 2017

Based on the evidence before me, the contribution from this site is more likely to be in the region of around 180 dwellings in the five year period.

21. *Land South West and West of Whalley Road, Barrow.* The site is under construction in two phases and the parties reached an agreement prior to the Hearing that the site would contribute 150 dwellings during the plan period at an annual delivery rate of 30 dwellings per annum, which is lower than the Council forecast in the HLAS. Based upon the evidence before me, I have no reason to take a different view to the parties and consider that the contribution from this site is likely to be around 150 dwellings in the five year period.
22. *Land off Waddington Road, Clitheroe.* The site has outline planning permission and a reserved matters application has been submitted to, but has yet to be determined by the Council. During the Hearing it was confirmed that the Council's figures of 110 dwellings to be delivered within five years are based upon a delivery rate provided by a developer that is no longer proceeding, with anticipated completions in year 2 (2018/19) of 20 dwellings and a delivery rate of 30 dwellings per annum in the remaining years. In the circumstances, I consider that the Council's lead in times for commencement on site and completions are now overly optimistic. The appellant's lead in time of 24 months (from September 2017) for a new developer to receive approval for reserved matters, discharge the requirements of conditions and commence on site, with a delivery rate of 15 dwellings in the third year and 30 dwellings in each of the remaining years appears a more reasonable and realistic outcome. Therefore, based on the evidence before me, the contribution from this site is likely to be around 75 dwellings in the five year period.
23. *East of Clitheroe Road, Whalley - Lawsonsteads.* The site has reserved matters approval, but the Council since October 2017 have subsequently revised down the figures to 105 dwellings to be delivered within five years due to infrastructure constraints associated with Phase 1 that have delayed commencement of development on this site. During the Hearing, it was confirmed by the parties that the original developer is no longer proceeding and whilst a new developer has expressed interest it would likely necessitate a full application that has yet to be submitted to overcome existing drainage issues. In the circumstances, I consider that the Council's lead in times are overly optimistic. The appellant's lead in times of 24 months (from September 2017) for a new developer to obtain its own planning permission, overcome infrastructure constraints and commence on site, with a delivery rate of 15 dwellings in the third year and 30 dwellings each of the remaining years appears a more reasonable and realistic outcome. Therefore, based on the evidence before me, the contribution from this site is likely to be around 75 dwellings in the five year period.
24. *Land east of Chipping Lane, Longridge.* Based upon the evidence before me, the site has outline consent, with reserved matters consent for phase 1 comprising 118 dwellings that has commenced and a full planning permission granted for phase 2. The Council figures of 150 dwellings to be delivered within five years are based upon a delivery rate of 30 dwellings per annum in each year. During the Hearing, the Council indicated that commencements have been recorded in the half year to date, but with no completions so far. In the circumstances, I consider that a delivery rate of 30 dwellings in the first year is overly optimistic and a forecast of 15 dwellings in the first year, with 30 dwellings in each subsequent year would be a more reasonable and realistic



- outcome. Therefore, based on the evidence before me, the contribution from this site is likely to be around 135 dwellings in the five year period.
25. *Land north of Dilworth Lane, Longridge.* The site is under construction and the Council's figures of 171 dwellings to be delivered within five years reflect the build out of the remainder of the site during the five year period. During the Hearing, the Council confirmed that 24 completions were recorded in the previous year with a further 10 completions having been recorded since October 2017 with commencements having also taken place. The appellants indicated that their own figures based upon 30 dwellings per annum should be revised down to match the lower delivery rate in the previous year resulting in a total contribution of 120 dwellings during the five years. However, when taking account of the evidence of the build out rates within the site to date and the fluctuations that can occur between each year, I consider that the application of a delivery rate of 30 dwellings per annum would be a more reasonable and realistic figure as an average that would be achievable across the five year period. Therefore, based on the evidence before me, the contribution from this site is likely to be around 150 dwellings in the five year period.
26. *Preston Road, Longridge.* The site has planning permission with the developer expected to start on site in July 2018. The Council's figures reflect no delivery in year 1 (2017/18) with a delivery rate of 30 dwellings in years 2-5, whilst the appellant indicated that due to lead in times delivery should only be expected in years 3-5. I consider that the middle ground between those figures would be realistic in year 2, with a build out rate of 15 dwellings to reflect the lead in times from anticipated commencement late in year 1 to the first completions in year 2, with delivery of 30 dwellings per annum in the remaining years. Therefore, based on the evidence before me, the contribution from this site is likely to be around 105 dwellings in the five year period.
27. *Sites allocated in the emerging HED DPD.* The proposed allocations within the submitted version of the emerging HED DPD are Land at Mellor Lane (HAL1) which contributes 15 dwellings to the Council figures and Land at Wilpshire (HAL2) which contributes 35 dwellings.
28. The allocations remain subject to objections and do not have planning permission, but were subject to a site selection process as part of the preparation of the HED DPD prior to its submission. The Council confirmed during the Hearing that there are no constraints to the delivery of HAL1 and no contrary evidence was provided. In that respect, I am satisfied that given the scale of the site, a developer would be capable of obtaining planning permission, commencing on site and building out HAL1 at the level indicated in the Council figures during the five year period.
29. With respect to HAL2, I observed that there are overhead power lines with a pylon located close to the access to the site, but I am satisfied that it would not preclude delivery given that there are existing dwellings nearby and a road that has already been built close to the pylon. Furthermore, I am satisfied that the Council's nominal capacity for the site incorporates reasonable deductions to reflect any reduction in developable area associated with the constraint of overhead power lines. Consequently, given the scale of the site, there is no substantive evidence before me which indicates that a developer would be incapable of obtaining planning permission, commencing on site and building

out HAL2 at the level indicated within the Council figures during the five year period. Therefore, based on the evidence before me, the contribution from HAL1 and HAL2 is likely to be around 50 dwellings in the five year period as indicated by the Council.

30. When having regard to my above findings with respect to the disputed sites, the Council's housing land supply is reduced by a further 136 dwellings in total during the five year period. As a consequence, I find that on the basis of the evidence before me the deliverable housing land supply demonstrated is approximately 4.5 years, including the application of a 20% buffer, the existing shortfall of delivery, 10% slippage applied to sites with planning permission not started and a windfall allowance, in accordance with the Framework. In that respect, even if the Council's predictions relating to some of the sites prove to be more accurate, it would not significantly alter the housing land supply position and would only marginally reduce the shortfall within the range of 4.5 years and a maximum of 4.7 years of deliverable housing land supply.
31. Having regard to all of the above, I conclude that the development would conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the CS in terms of their objectives relating to the location and supply of housing. However, the restrictions in those policies are not consistent with national policy objectives in the Framework to boost significantly the supply of housing in circumstances where a five-year supply of housing land has not been demonstrated and therefore, they are not up-to-date. In that respect, to conclude on the compliance of the proposal with the development plan and the Framework as a whole as part of the planning balance, it is necessary to firstly consider any other matters that are relevant to the proposal.

## **Other Matters**

### *Highway and pedestrian safety*

32. The effect of the proposal on highway and pedestrian safety is not a matter contested by the Council. The Framework advises that development should only be prevented where the residual cumulative impacts are severe. The highway authority is satisfied that the additional traffic arising from the development could be accommodated on Higher Road and the surrounding highway network without a severe impact. This would be subject to certain measures, such as the formation of the new access following the demolition of No 74. It would also require contributions to and delivery of specific highway improvements including traffic calming measures on Higher Road and upgrades to the junctions and pedestrian crossings at Preston Road-Chapel Hill, Preston Road-Kestor Lane and the Longridge Road roundabout, together with public transport upgrades and off site contributions to walk routes and cycling (linked to the emerging NDP) as listed in Schedule 4 of the UU. Based on the evidence before me and my observations of the site and its surroundings at different times of the day, I have no reason to take a different view to those of the highway authority.
33. With regard to the above, the Council and the highway authority have also raised no objection with respect to the proposed access, its layout and agreed visibility splays and sight lines, subject to the new footpath connections and alterations proposed to each side of the access as referred to in Schedule 4 of the UU. Based on the evidence before me and my observations, I have no

reason to take a different view and consider that the proposal would ensure that safe and suitable access to the site can be achieved for all people.

34. In reaching the above findings I have taken into account the concerns expressed by interested parties in terms of existing parking arrangements and access for emergency vehicles on Higher Road, particularly at its narrowest point near the Club Row terraces where I observed that on-street parking is at its most prevalent but passing places were still available. In that respect, the development would not increase the demand for on-street parking or increase traffic flows on Higher Road to an extent that existing highway conditions and parking arrangements would be significantly altered or worsened. I am satisfied, therefore, that the development would not have a detrimental impact upon highway safety or preclude access for emergency vehicles, which is capable of being secured within the site as part of the detailed site layout to be submitted as part of the reserved matters.

#### *Living conditions*

35. The masterplan and illustrative material submitted with the planning application demonstrate that adequate separation distances to neighbouring properties facing Higher Road, Dilworth Lane and the on-going development immediately adjacent could be achieved to preserve the living conditions of their occupiers and future occupiers of the development in terms of outlook and privacy. Existing views from the rear elevations and rear gardens of the adjoining properties facing Higher Road and Dilworth Lane would be affected by the development. However, that is generally the case with development on the edge of an existing settlement. A well-designed and appropriately landscaped development would be capable of limiting the perception of the site being suburbanised, whilst providing a suitable outlook for occupiers of neighbouring properties around the site. I am satisfied that the detailed issues in those respects could be appropriately addressed through the reserved matters relating to layout, scale, appearance and landscaping, taking account of the variations in topography.
36. The proposed access road between Nos. 70 and 76 would increase the noise and activity experienced by occupiers of those properties. However, I do not consider that the extent of those effects would result in significant harm or disturbance to their existing living conditions. In reaching that view, I have taken into account that potential mitigation measures could be provided at reserved matters stage or by condition, such as appropriate use of land levels for the access relative to the slab levels of surrounding properties, additional landscaping buffers and acoustic fencing. The construction phase could also be suitably controlled to prevent unacceptable impacts in terms of noise and disturbance through the agreement of a Construction Method Statement.
37. Interested parties have also expressed concerns with respect to the impact on property values. However, it is a well-established principle that the planning system does not exist to protect private interests such as the value of land and property. The issue of restrictive covenants relating to the site has also been raised. However, I see no reason why the grant of planning permission would supersede any private legal rights relating to land ownership or a leaseholding. Consequently, those matters fall outside of my jurisdiction and have not had any material bearing on my assessment of the planning issues in this appeal.

### *Ecology, trees and open space*

38. The Ecological Appraisal submitted with the application found no substantive evidence of any protected species within the site or the surrounding area that would be adversely affected by the development. Based upon the evidence before me, I have no reason to take a different view. Furthermore, I am satisfied that the compensatory planting, habitat enhancement and precautionary measures identified relating to amphibians, bats, badgers, nesting birds, brown hares, invertebrates and reptiles would be suitable and could be secured through conditions, and the detailed site layout and landscaping submissions as part of the reserved matters. I, therefore, find that the development would not have an adverse impact upon ecology and biodiversity.
39. The Tree Report submitted with the application indicates that the masterplan and illustrative details that accompanied the application could require the removal of one high quality tree, two moderate quality trees, one low quality tree and three low quality groups within the site. Additionally, it indicates that five trees and one group located within the site are considered unsuitable for retention for reasons unrelated to the development. However, the layout and landscaping proposals are illustrative and the specific details remain subject to a reserved matters submission. In that regard, I am satisfied that the detailed submissions could suitably incorporate existing high and moderate quality trees within the site, together with the trees and hedgerows along the site boundary and those located on neighbouring land with crown overhangs or root protection areas within the site. Tree protection measures in those respects can be secured by condition. In addition, the landscaping within the site would be capable of including extensive new tree and hedge planting to adequately compensate for any loss of lower quality trees within the site.
40. The detailed provision of public open space within the site, including useable spaces, natural play spaces, pedestrian footpath links and cycle routes, can be secured as part of the reserved matters and conditions in accordance with the illustrative details within the masterplan accompanying the application, including potential links to the Longridge Loop as set out in the emerging NDP. The public open space provision in that respect would have wider recreational benefits to the Longridge area given that the site has no public access at present, even though the primary purpose would be to meet policy requirements.

### *Drainage and flood risk*

41. The development would not be at unacceptable risk of flooding or increase the risk of flooding to surrounding properties, subject to the suitability of the detailed site layout as part of the reserved matters, together with foul and surface water drainage measures, including sustainable drainage systems (SuDs). Those drainage details are capable of being secured by conditions.

### *Planning obligation and infrastructure*

42. There is a signed and completed UU. As previously mentioned, it requires the appellant to deliver affordable housing (30% affordable housing provision and 15% of the overall number of dwellings on site for occupation by those over 55 years of age, with half in the affordable provision) as set out in Schedule 1. It would also make the following contributions towards improving local

infrastructure that would serve the development: an off site leisure contribution to be paid relative to the reserved matters in accordance with occupancy ratios set out in Schedule 1, education contributions calculated in accordance with primary and secondary places as set out in Schedule 3 and Appendix 1 of the UU, highways and transport works and contributions specified in Schedule 4.

43. Having regard to the above and based on the evidence before me, I am satisfied that the proposed contributions are necessary, directly related and fairly and reasonably related in scale and kind to the proposed development in accordance with CIL Regulation 122 and paragraph 204 of the Framework, given the precise financial contributions are dependent upon calculations relative to the details that come forward as part of the reserved matters. I have, therefore, attached weight to them in my decision. In reaching such a view, I have taken into account that there are minor typographical issues within the UU agreement relating to the off site works proposed on Higher Road in Schedule 4(2) and 4(7). However, I am satisfied that such matters would not prevent the implementation of the planning obligation given that those off site highway works and walking routes are also supported by specific details in associated plans that are before me.
44. It is not contested by the Council that the development would have a harmful effect upon existing infrastructure, subject to the planning obligations in the UU. In that respect, I also observed that the development would be within walking distance of a wide range of local services and facilities within Longridge. Furthermore, there is no substantive evidence before me which indicates that the available services, facilities and utilities would not have sufficient capacity to accommodate demand arising from the development beyond those that require planning obligations as set out in the UU.

### **Planning Balance**

45. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with Key Statement DS1 and Policies DMG2 and DMH3 of the CS in so far as they are relevant to the location and supply of housing and the protection of the countryside. Whilst the Council decision notice also refers to conflict with Key Statement DS2 of the CS it is a broad repetition of paragraphs 11 and 14 of the Framework and the planning balance necessary where conflict with the development plan is identified. Proposed development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In that respect as the Council cannot demonstrate a deliverable five-year housing supply, the relevant policies for the location and supply of housing are out-of-date through the operation of paragraph 49 and 215 of the Framework. Paragraph 14 of the Framework is, therefore, engaged.
46. Paragraph 14 of the Framework states that for decision making this means where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
47. There are economic and social benefits arising from the provision of up to 122 additional homes including the potential for delivery of affordable housing and accommodation for over 55s to meet local needs in an accessible location,

which are important considerations that carry significant weight. There would also be associated economic benefits in terms of job creation during construction and support for local services and facilities after occupation, which carry significant weight based on the scale of the development proposed. Furthermore, considerable weight is given to the contribution which the appeal proposal would make to significantly boosting the supply of housing, where the supply of housing in Ribble Valley is constrained due to an inability to demonstrate a five year housing land supply, with a 0.5 year shortfall having been identified. In that respect, the proposal would contribute to a clear need for more market, affordable and older persons housing to be delivered in Ribble Valley. Based upon my findings, the scale of the development would not fully address the shortfall to an extent that a deliverable five year supply of housing land would be demonstrated. Nonetheless, the contribution to meeting housing need is significant and is afforded considerable weight.

48. The development would result in a loss of open countryside. However, given that the site is already mostly enclosed by development on three sides with varied topography, I have found no significant harm to the character and appearance of the area, landscape character and visual amenity, including views from neighbouring properties and a nearby bridleway, subject to the details of the reserved matters. There would also be no unacceptable impact in terms of highway safety, the living environment for future residents, the living conditions of existing residents, ecology and trees, and drainage that could not be resolved by the imposition of suitable conditions.
49. Having regard to the above, the adverse impacts of allowing this appeal would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. In that respect, there are also no specific policies in the Framework which indicate that the development should be restricted. The proposal constitutes sustainable development when assessed against the Framework as a whole. Consequently, I find that there are material considerations which indicate that the proposal should be determined otherwise than in accordance with the development plan and planning permission, therefore, should be granted.

### **Conditions**

50. I have had regard to the planning conditions that have been suggested by the Council. Where necessary I have reordered the conditions, amended the wording to ensure consistency with paragraph 206 of the Framework and consolidated the conditions where possible.
51. Conditions 1 - 5 relate to the submission of reserved matters, timescales, phasing, provide certainty of the outline permission granted and require compliance with approved details, design principles and parameters which are necessary. In that respect, conditions 6 and 7 necessarily restrict the height of any dwellings to not exceed two storeys in height and require full details of proposed ground levels and building finished floor levels in any subsequent reserved matters. Those conditions are required in the interest of the character and appearance of the area, to ensure that the development responds appropriately to the topography of the land and to preserve the living conditions of occupiers of neighbouring properties.
52. Conditions 8 and 9 necessarily require the submission of full details of proposed surface water attenuation ponds and other water bodies on the site, and works

for disposal of foul water and sewage, as part of the reserved matters. Condition 10 requires full details of boundary treatments to be erected within the site and is necessary in the interest of the character and appearance of the area, the living conditions of future occupiers and occupiers of neighbouring properties and to assess wildlife movement as part of the reserved matters. Condition 11 requires full details of proposed play areas and play equipment as part of the reserved matters which is necessary to ensure acceptable and adequate forms of useable public open space.

53. Condition 12 relates to the submission and approval of a detailed scheme for the construction of the pedestrian and vehicular site accesses, together with a retaining structure adjacent to the site access. The pre-commencement condition is required in the interest of highway and pedestrian safety and it is necessary that the development is carried out in strict accordance with the approved details prior to the first occupation of a dwelling.
54. Conditions 13 and 14 are pre-commencement conditions that are necessary to secure full details of precautionary ecology measures mentioned previously relative to the full details of any subsequent reserved matters approval. Condition 15 is a pre-commencement condition for each phase that secures a Construction Method Statement which I consider is necessary to preserve the living conditions of occupiers of neighbouring properties in terms of noise and disturbance.

### **Conclusion**

55. For the reasons given above, I conclude that the appeal should be allowed and planning permission granted subject to the conditions set out in the attached schedule.

*Gareth Wildgoose*

INSPECTOR

## SCHEDULE

### CONDITIONS

- 1) No part of the development hereby permitted shall be commenced on any phase (as referred to in Condition 3) until full details of the layout, scale and appearance of the buildings and landscaping within that phase (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the local planning authority.

In relation to landscaping, the details for each phase shall include: the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform, full specifications of all boundary treatments and a scheme of maintenance, including long term design objectives. The submitted landscape details shall take full account of the mitigation measures as contained within the submitted Ecological Appraisal (Report Ref: 3089 V1).

- 2) Application(s) for approval of all of the outstanding reserved matters related to the consent hereby approved must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
  - a) The expiration of three years from the date of this permission; or
  - b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) The submission of reserved matters relating to layout shall be accompanied by a phasing scheme, including the parcels which shall be the subject of separate reserved matters applications (where applicable), for the approval in writing by the local planning authority. For the avoidance of doubt the submitted information shall include anticipated commencement dates and annual delivery rates of housing for each phase or parcel of development.
- 4) The details in respect of the submission of any reserved matters shall be in accordance with the design principles and parameters as set out in the following documentation:
  - RF15-293-IN03-02: Green Infrastructure and Character document (February 2017)
  - Masterplan SK10 (February 2017)
  - Indicative Site Sections (February 2017)
  - Movement Framework (February 2017)
- 5) No more than 123 dwellings shall be developed within the application site edged red on the submitted Red Line Boundary Plan (VHLP/7782/2194/01 Rev: A).
- 6) Notwithstanding the submitted details, the height of any of the dwellings proposed in any subsequent reserved matters application(s) shall not exceed two storeys in height.



- 7) Applications for the approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) including the levels of the proposed roads.

For the avoidance of doubt, the submitted information shall include existing and proposed sections through the site including details of the height, scale and location of proposed housing in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.

- 8) Applications for the approval of reserved matters shall be accompanied by full details of the proposed surface water attenuation ponds and all other water bodies on the site. Before any details are submitted to the local planning authority, an assessment of site conditions shall be carried out having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. The submitted details shall as a minimum:
- a) provide information about the design storm period and intensity, the methods to be employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
  - b) include a timetable for its implementation; and,
  - c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

For the avoidance of doubt, the submitted information shall also include existing and proposed sections through each pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments, together with means of access for maintenance and easements where applicable. The development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling, and subsequently maintained in strict accordance with the approved details.

- 9) Applications for the approval of reserved matters shall be accompanied by full details relating to works for the disposal of foul water and sewage. The development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling, and subsequently maintained in strict accordance with the approved details.
- 10) Applications for the approval of reserved matters shall be accompanied by elevational and locational details including the height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development.

For the avoidance of doubt, the submitted details shall include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level. The development shall be carried out in strict accordance with the approved details.

- 11) Applications for the approval of reserved matters, where relevant, shall be accompanied by full details of all proposed play areas and associated play equipment.

For the avoidance of doubt, the submitted details shall include the specification and nature of all proposed surfacing, informal/formal play equipment and details of existing and proposed land levels and all associated landscaping and boundary treatments where applicable, including timescales for delivery. The development shall be carried out in strict accordance with the approved details.

- 12) Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a scheme for the construction of the pedestrian and vehicular site accesses, together with a retaining structure adjacent to the site access, has been submitted to, and approved in writing by the local planning authority in consultation with the Highway Authority. The development shall be carried out in strict accordance with the approved details prior to the first occupation of any dwelling.

For the avoidance of doubt, the submitted details shall also include the precise nature and design of all pedestrian/cycleway accesses into and out of the site including details of their interface with existing pedestrian/cycle routes or networks.

- 13) Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the local planning authority.

For the avoidance of doubt, the details shall be submitted on a dwelling/building dependent bird/bat species site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated during the construction of those individual dwellings identified on the submitted plan and be made available for use before each such dwelling is occupied, and thereafter retained. The development shall be carried out in strict accordance with the approved details.

- 14) Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of a package of proposed mitigation measures, as outlined in Section 6 of the approved Ecological Appraisal (Report Ref: 3089 V1) has been submitted to and approved in writing by the local planning authority.

For the avoidance of doubt the mitigation shall include, but be limited to the provision for bat and bird boxes, the improvement of existing hedgerow, creation of refugia/hibernacula/habitat features and bee and wasp nest boxes. The submitted details shall include the timing and phasing for the

creation/installation of mitigation features and a scheme for future management and maintenance where applicable. The development shall be carried out in strict accordance with the approved details.

- 15) No development shall take place within a phase (pursuant to condition 3 of this consent) until a Construction Method Statement for the relevant phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted statement shall provide details of:
- a) The location of parking of vehicles of site operatives and visitors
  - b) The location for the loading and unloading of plant and materials
  - c) The location of storage of plant and materials used in constructing the development
  - d) The locations of security hoarding
  - e) The location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt, such facilities shall remain in place for the duration of the construction phase of the development) and the timings/frequencies of mechanical sweeping of the adjacent roads/highway
  - f) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
  - g) Days and hours of operation for all construction works.
  - h) Details of good practice and management measures to be employed during the development, including the identification of suitable of suitable highway routes for plant and material deliveries to and from the site, and measures to ensure that construction and delivery vehicles do not impede access to and from the site.

The approved statement shall be adhered to throughout the construction period of the development.

## **APPEARANCES**

### FOR THE APPELLANT:

Peter Vernon (Did not attend site visit)	VH Land Partnerships
Gary Hoerty	Gary Hoerty Associates Ltd
Kieran Howarth (Did not attend site visit)	Gary Hoerty Associates Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Colin Hirst (Did not attend site visit)	Ribble Valley Borough Council
Rachel Horton	Ribble Valley Borough Council
Stephen Kilmartin	Ribble Valley Borough Council

### INTERESTED PARTIES:

Kenneth Cooper	Local Resident
Brian Holden	Local Resident
Anthony Ingham (Did not attend site visit)	Local Resident
John Murphy	Local Resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Planning Obligation by Unilateral Undertaking dated 16 April 2018
- 2 Updated 5 year housing land position provided by the appellant
- 3 Written statement from Mr Cooper
- 4 Written statement from Mr Murphy
- 5 Written statement from Mr Holden
- 6 Written statement from Mr Ingham
- 7 Longridge 2028 - Neighbourhood Development Plan – Regulation 16 Submission Draft, January 2018
- 8 Appeal decision - APP/T2350/W/17/3174924
- 9 Letter from Indigo Planning to Council dated 13 April 2018 – Draft Allocation (HAL2) in submission version of the Housing and Economic Development – Development Plan Document

**DOCUMENTS SUBMITTED AFTER THE HEARING (BY AGREEMENT)**

- 1 Indicative Site Sections (February 2017) upon which the Council made its decision
- 2 Movement Framework (February 2017) upon which the Council made its decision
- 3 E-mail update received from the Council on 20 April 2018 relating to the dates for the Examination in Public of the HED DPD

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## Appeal Decision

Inquiry held on 6, 7, 8 & 9 October 2015

Site visit made on 7 October 2015

by **C J Anstey BA (Hons) DipTP DipLA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19/01/2016

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**Appeal Ref: APP/L3245/W/15/3011886**  
**Longden Road, Shrewsbury, Shropshire.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Morris Homes (Midlands) Limited against the decision of Shropshire Council.
  - The application Ref 14/01983/OUT, dated 30 April 2014, was refused by notice dated 18 December 2014.
  - The development proposed is the erection of up to 125 dwellings.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. At the Inquiry an application for costs was made by Morris Homes (Midlands) against Shropshire Council. This application is the subject of a separate Decision.

### Procedural matters

3. The appeal application was made in outline form with all matters reserved for subsequent approval and seeks permission for residential development of up to 125 dwellings. The application was accompanied by a site location plan (014-010-P001), a local context plan (014-010-P002), a site boundary plan (014-010-P003), a constraints and opportunities plan (014-010-P004), a structure plan (014-010-P005) and a parameters master plan (014-010-P006). These plans indicate that access would be taken off Longden Road and that dwellings would be dispersed across the site in five parcels of development. I have taken these plans into account in assessing the likely impacts of the appeal scheme.
  4. Refusal reason no. 3 relates to the effect of the proposal on a protected species. As a result of the submission of further material by the appellant the Council accepts that the proposal would not have an adverse impact on biodiversity interests subject to the imposition of appropriate conditions. Given the evidence before me I have no reason to reach a different view on this matter.
  5. A signed and dated unilateral undertaking was submitted for the appellant after the close of Inquiry in accordance with the agreed timetable. This relates to affordable housing and infrastructure contributions towards highways, bus services, education and play area provision. I consider that this planning
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obligation is compliant with *paragraph 204 of the National Planning Policy Framework (the Framework)* and *Regulation 122 of the CIL Regulations 2010*.

6. The Inspector's Report on the *Shropshire Site Allocations and Management of Development Plan (SAMDev Plan)* was published on 30 October 2015. The Report concludes that with the recommended main modifications set out in the Appendix the *SAMDev Plan* satisfies the requirements of *Section 20(5) of the 2004 Act* and meets the criteria for soundness in the *National Planning Policy Framework (the Framework)*. The Council adopted the *SAMDev Plan* on 17 December 2015. The views of the two main parties on the Inspector's Report on the *SAMDev Plan*, on the Council's update of the Five Year Housing Land Supply Statement (2015) based on the methodology inherent in the Inspector's Report, and the adoption of the Plan, have been sought and the responses taken into account in my decision.

### **Main Issues**

7. The three main issues in this case are:
  - (i) whether local policies for the supply of housing are up-to-date and accord with national guidance, having regard to the 5 year supply of housing land;
  - (ii) the effect on the landscape character of the local area; and
  - (iii) the impact on highway safety.

### **Reasons**

#### **Description**

8. The appeal site, which measures about 7.86 ha in area, is located on the south-western edge of Shrewsbury, about 2 miles from the town centre. The appeal site is a large irregular shaped field used as pasture. It is gently undulating with mature hedges on three sides, and a tree-lined water course forming its north-east boundary.
9. The site is bounded by the Class 3 Longden Road to the south-east, and the unclassified Nobold Road and Mousecroft Lane to the west and north. Immediately to the north-east is a large field where detailed planning permission has recently been granted by the Council for the construction of 175 dwellings. This is referred to as the 'Wyro' site below. To the south-west is the historic hamlet of Nobold.

#### **Planning policy**

10. *Section 38(6) of the Planning and Compulsory Purchase Act 2004* requires that any application for planning permission must be determined in accordance with the Development Plan (DP) unless material considerations indicate otherwise. The DP for the area includes the *Shropshire Core Strategy (SCS)*, adopted in March 2011, and the recently adopted *SAMDev Plan*. The appeal site is not allocated for housing development in the *SAMDev Plan* and lies outside the defined settlement boundary for Shrewsbury.
11. There are a number of policies in the *SCS* and the *SAMDev Plan* that are considered to be relevant to the determination of this appeal. These are dealt with at an appropriate point in my reasoning, as is the amount of weight to be



attached to these policies having regard to *the Framework and Planning Practice Guidance (the Guidance)*. The wording of the *SAMDev Plan* policies is as set out in the Main Modifications attached to the *SAMDev Plan* Inspector's report.

**Issue 1. Housing land supply**

*Housing supply policies*

12. *Policy CS1: Strategic Approach* of the *SCS* is designed to focus new housing and employment development on Shrewsbury, the market towns and other key centres. The policy states that over the plan period 2006-2026 around 27,500 new homes will be delivered across Shropshire. *Policy CS2: Shrewsbury – Development Strategy* indicates that the town will be the primary focus for growth, accommodating about 25% of the total planned housing growth (approximately 6,500 dwellings).
13. *Policy CS5: Countryside and Green Belt* seeks to limit development in the countryside to that which needs to be there and makes it clear that in assessing proposals account will be taken of the impact on the character of the countryside.
14. *Policy MD1: Scale and Distribution of Development* of the *SAMDev Plan* allocates sufficient land in the period up to 2026 to enable the delivery of the amount and distribution of housing development set out in *Policies CS1 and CS2*. *SAMDev Plan Policy 16: Shrewsbury Area* provides for approximately 6,500 dwellings in the town. The new housing is to be delivered through a combination of existing brownfield sites and a range of new greenfield sites, and includes allocated sites as well as windfall opportunities. *Policy MD7a; Managing Housing Development in the Countryside* aims to ensure that new market housing is strictly controlled outside of the towns and settlements.
15. *Policy MD1* also makes it clear that sustainable development will be supported in Shrewsbury in accordance with *Policy CS2*. *Policy MD3: Delivery of Housing Development* indicates that in addition to the allocated sites planning permission will also be granted for other sustainable housing development having regard to the policies of the local plan, particularly *Policies CS2, CS3 (The Market Towns and Other Key Centres), CS4 (Community Hubs and Community Clusters), CS5, MD1 and MD7a*. Notwithstanding this, *Criterion 2* of *Policy MD3* also refers to the significance of the settlement housing guidelines (e.g. approximately 6,500 dwellings in Shrewsbury). The wording of *Criterion 2* makes it clear that where more housing is proposed than in the guidelines account will be taken of the increase in the number of dwellings relative to the guidelines, the likelihood of the delivery of the outstanding permissions, any benefits arising from the proposal, the impacts of development, and the presumption in favour of sustainable development. *Policy MD3 Criterion 3* states that where a settlement housing guideline appears unlikely to be met additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to the considerations in *Criterion 2*.

*SAMDev Plan Inspector's Report*

16. In October 2015 the *SAMDev Plan* Inspector found that a 5 year supply of housing land in Shropshire was in place. Notwithstanding this recent finding

there is still a need to examine the current position as regards housing land supply, including the updated housing land supply figures.

*Agreed matters*

17. It is accepted by the two main parties that the *Policy CS1* housing requirement of 27,500 for the period 2006-26 should be the basis for the consideration of the 5-year supply. It is also agreed that the undersupply of housing provision for the period 2006-2015 should be delivered within the next 5 year period and a 20% buffer should be applied in accordance with *the Framework*. I have no reason to disagree with the agreed approach on these matters.

*5 year requirement*

18. *Policy CS10: Managed Release of Housing Land* states that the availability of housing land will be kept under review, maintaining a continuous supply of suitable sites to deliver the overall housing target. The supporting text explains that the purpose of *Policy CS10* is to guide phased housing allocations in the *SAMDev DPD*. The text states that development will be phased in the following 5 year time bands 2006/2011 -1190 dwellings per annum, 2011/2016 – 1390 dwellings per annum, 2016/2021 – 1390 dwellings per annum and 2021/2026 – 1530 per annum.
19. The Council in calculating the 5 year housing requirement considers that account should be taken of the phasing inherent in its delivery figures. Consequently rather than dividing the *SCS* housing requirement figure by the total number of years of the plan to reach an annual requirement for the 5 year period (i.e. 1,375 dwellings per year or 6,875 for the period 2015-2020) the Council has adopted the *SCS* phasing (i.e. 1,390 per year or 6,950 for the 5 year period). The actual difference over the 5 year period is relatively small as it only amounts to 75 dwellings.
20. The Council also argues that this approach should be used for assessing the undersupply. On the basis of the *SCS* phasing this would produce a requirement for 11,510 dwellings in the period since 2006 compared to a requirement for 12,375 based on the *SCS* annual requirement. As 9,500 dwellings have been built in the first 9 years of the plan period the Council contends that there is an under-delivery of 2,010. In comparison the shortfall is 2,875 if the annual average is used. The difference, therefore, is significant as it amounts to 865 dwellings.
21. The *SAMDev Plan* Inspector accepted the use of the *SCS* phasing bands as the base requirement for the calculation of the five year supply housing figure. In so doing she accepted that there is an under-delivery of 2,010 dwellings and a 5 year housing requirement of 6,950 dwellings (prior to the application of a 20% buffer). I also believe, given the phasing set out in the *SCS*, that the Council's approach is reasonable and accords with the second bullet point of *Paragraph 47 of the Framework* which is designed to ensure that local planning authorities provide five years-worth of housing against their housing requirement. In reaching this view I am mindful that there is no agreed standardised methodology in national guidance as to how an annualised housing figure should be calculated. In my judgement, therefore, it is imperative that account is taken of local considerations, including the contents of relevant development plans, in determining such a figure.

22. On this basis I consider that the under-delivery and requirement amount to a total of 8,960 dwellings. The Council now accept, as a result of the *SAMDev Plan* Inspector's findings, that the 20% buffer should be applied to this total figure. I have no reason to disagree with this approach, which is also favoured by the appellant. As a result I find that the total 5 year requirement amounts to 10,752 dwellings.

*Supply of sites*

23. The Council considers that it has identified sites capable of delivering some 11,896 dwellings in the next 5 years. This is made up from sites with planning permission (6,260 dwellings), sites with prior approval (95 dwellings), sites without planning permission but where there is a resolution to grant (983 dwellings), allocated sites without planning permission (3,412 dwellings), SHLAA (Strategic Housing Land Availability Assessment) sites without planning permission (313 dwellings), affordable housing sites without planning permission (235 dwellings) and windfalls on sites of less than 5 dwellings (598 dwellings).

24. All these supply figures are disputed by the appellant apart from the figure of 95 dwellings arising from sites with prior approval which is agreed. The appellant considers that within the next 5 years 5,821 dwellings will come forward on sites with planning permission, 906 dwellings on sites without planning permission where there is a resolution to grant, 2,275 dwellings on allocated sites without planning permission, 97 dwellings on SHLAA sites without planning permission, none on affordable housing sites without planning permission, and 263 dwellings on windfall sites. As a result it is argued for the appellant that the total is 2,439 dwellings fewer than the Council figure and stands at 9,457 dwellings.

25. Estimating how many dwellings are likely to be delivered over the next 5 year period is extremely difficult. Inherent to any assessment are various assumptions that may or may not prove to be accurate. Notwithstanding this it is important to ensure that those factors that are likely to influence delivery are examined and assessed.

*Lead-in times & delivery rates*

26. Implicit in the Council's 5 year housing land supply figures are assumptions relating to the 'lead in times' and delivery rates to be applied to the various housing sites.

27. Lead-in time represents the period of time taken before construction starts on a site and involves judgements about the length of time that various stages involved in the process are likely to take. The stages required before the construction of the first dwelling on site include the preparation of planning applications, their determination, the completion of legal agreements, the discharge of conditions and infrastructure works.

28. The Council consider that lead in times will vary according to the type, size and location of the housing site. As a result the Council anticipates that the time involved in this process could vary between 10 and 27 months according to the nature of the site. In contrast the appellant argues that a standardised length of 'lead in time,' namely 32 months, should be applied.

29. In my experience lead in times are likely to vary widely according to the particular nature and characteristics of a site. Consequently I do not consider that it is appropriate to apply a standardised lead-in time. A variety of lead in times is likely to best reflect the specific circumstances of an area and each site. As regards the length of time each stage is likely to take I consider that the Council's estimates, which are based on local knowledge and discussions with the local development industry, are reasonable and do not appear overly optimistic. Consequently I endorse the Council's lead-in times used in its 5 year housing supply calculations.
30. Delivery rates represent the number of dwellings that are likely to be completed on a site in a particular year. The Council adopts differential delivery rates according to whether the site is within North, Central or South Shropshire and whether the site accommodates more than 250 dwellings. The appellant accepts the delivery figures for North Shropshire but considers that the figures for Central and South Shropshire should be lower. Consequently the appellant argues that within Central Shropshire the annual delivery rate on a site below 250 dwellings would be 8 dwellings fewer than the Council's estimate and on a site above 250 dwellings 12 fewer than the Council estimate. With regard to South Shropshire the appellant's estimates are 6 dwellings fewer on sites below 250 dwellings and 9 fewer on sites above 250 dwelling.
31. In my view annual delivery rates are susceptible to many influences, including the state of the economy, mortgage availability, and the size and nature of a site. Consequently I do not consider that there can be any certainty with regard to forecasting delivery rates. It may be the case over the next five years that the slightly lower figures advocated by the appellant prove to be more accurate than the Council's. However I believe that at this moment in time the Council's estimates are reasonably based as they are founded on recent monitoring of local housing development, as well as feedback from the local development industry. This indicates that anticipated delivery rates on sites below and above 250 dwellings are broadly in line with what has been happening in the area and a fair reflection of what is likely to occur over the next 5 years. For these reasons I accept the delivery rates used by the Council in its 5 year housing land supply assessment.

*Sites with planning permission and sites with resolution to grant*

32. The *Framework* makes it clear that sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.
33. The Council does not contend that all sites with an extant planning permission (i.e. a total of 6,956 dwellings) should be taken into account in its housing supply calculations. Rather in recognition of the likelihood that not all sites will be developed a 10% discount rate is applied by the Council. Consequently for its housing land supply calculations the figure of 6,956 is reduced by 696 dwellings to 6,260. Similarly the Council does not include all sites where there is a resolution to grant planning permission (i.e. a total of 1092 dwellings). Again this figure is reduced by 109 to 983 dwellings by the application of a 10% discount rate. In my view the Council has adopted a sound approach to estimating how many dwellings are likely to come forward on sites with planning permission and on sites where there is a resolution to grant planning

permission. Although the appellant has examined particular sites and drawn attention to a range of issues that may affect their delivery the 10% reduction is designed to address such uncertainties.

*Allocated sites without planning permission*

34. The Inspector's Report on the *SAMDev Plan* endorses the housing allocations put forward in the plan and these are now included within the adopted plan.
35. It is clear from the evidence before me that the Council has sought to take a pragmatic and cautious approach to how many of the dwellings on the allocated sites in the *SAMDev Plan* should be included within the 5 year supply. The number of dwellings on allocated sites but without planning permission amounts to some 7,944 dwellings. Having considered each allocated site in detail the Council considers that 3,412 dwellings, or less than half of the total, will be delivered within the next 5 years. In assessing each site the Council has sought to take account of any significant constraints, availability, viability, the stage that has been reached in bringing the site forward, and whether planning permission would be granted now. Deliverability has also been informed by the Council's standard lead in times and build-rates. Consequently I believe that the forecast of 3,412 dwellings likely to be delivered over the next 5 years from allocated sites without planning permission constitutes a robust assessment of what is likely to happen.

*SHLAA sites without planning permission*

36. In the past within Shropshire the development of unallocated sites within settlement development boundaries has made a significant contribution to housing supply. The SHLAA identifies a large number of such sites as being suitable for development. The Council has fully reviewed each of the SHLAA sites to establish whether any are likely to be deliverable within the next 5 years. This has involved the consideration of their suitability, availability, achievability and viability. As a result the Council estimate that some 313 dwellings are likely to be delivered over the next 5 years and therefore should be included in the supply figures. Given the detailed review carried out by the Council I consider that the figure of 313 dwellings is soundly based and is legitimately included within the 5 year supply figures.

*Affordable housing sites without planning permission*

37. Local planning policies support the provision of affordable housing on sites outside settlement development boundaries and in rural hamlets as an exception to normal planning policies. The Council is aware of a limited number of such sites that are not recorded elsewhere in the housing supply figure but are currently being progressed. The Council has undertaken a careful appraisal of these schemes and estimate that some 235 dwellings are likely to come forward in this way. Although some of these dwellings are within schemes that have not yet received funding or where the planning status is yet to be resolved I consider that sufficient progress has been made on these sites to justify their inclusion.

*Windfalls sites of less than 5 dwellings*

38. The Framework states that local planning authorities may make an allowance for windfall sites in the 5 year supply if they have compelling evidence that

such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

39. Historically small windfall sites have represented an important component of housing land supply in Shropshire. In the 10 year period between 2003/4 and 2012/13 an average of 299 dwellings per annum were completed on small windfall sites.
40. Given the nature of the County, which includes Shrewsbury, 18 other settlements identified as market towns or key centres and a large number of other villages and hamlets, I consider that it is legitimate to assume that small sites will continue to make a significant contribution to housing supply. In the absence of any material to demonstrate that the supply of such sites is reducing it is reasonable to expect that the contribution will be at a similar level to that which has occurred in the recent past. Consequently I believe that the Council's assumption of an average of 299 dwellings per annum being provided on small windfall sites over the next 5 years is not unrealistic. On the basis of this assumption over the 5 year period some 1,495 dwellings would be provided on small windfall sites.
41. The Council does not include any allowance for windfalls on small sites in the first three years of the supply as it is held that such sites will already be included within the supply figures (i.e. recorded as sites with planning permission etc.). Consequently the Council only includes 2 years of windfall supply from small sites, or 598 dwellings, within its supply figures.
42. It is apparent, however, that the Council's housing land supply figures already anticipate 1,232 completions on small sites for the 5 year period. If the Council's suggested windfall figure of 598 dwellings is added in this would increase the supply on small sites to 1,830. This would represent 366 dwellings per annum or 67 dwellings per annum more than the past annual completion rate on windfall sites of 299 dwellings. Consequently I believe that 335 dwellings (i.e. 67 x 5) should be discounted from the windfall allowance, leaving a total of 263 dwellings.

*Summary of supply*

43. I accept all of the Council's housing supply figures apart from the windfall assumption which should be reduced by 335 dwellings. Consequently in my judgement there are sites in the District capable of delivering about 11,560 dwellings over the next 5 years. Given the requirement for 10,752 dwellings I consider that there is 5.38 years supply of housing land within Shropshire.
44. I acknowledge that the appellant draws attention to the problems associated with the development of particular sites. It is evident from my reasoning above that I believe that the Council has undertaken a thorough and robust assessment of the delivery of these sites and consequently there is no need to discount any of them. However if it proves to be the case that certain sites are not delivered because of unforeseen difficulties there is a degree of flexibility in the figures to accommodate this whilst maintaining a 5 year supply of housing land.

*Policies for the supply of housing*

45. I have found that there is a 5 year supply of housing land in the County. Consequently the various policies in the *SCS* and the *SAMDev Plan* relating to

the supply of housing and referred to above are not out of date. I also believe that these policies accord with national planning policy as they endeavour to locate new housing development of an appropriate scale in sustainable locations whilst paying due regard to environmental impacts. Consequently the policies are consistent with *the Framework* and should be accorded full weight.

46. I conclude, therefore, on the first issue that as the policies for the supply of housing are up-to-date and accord with national guidance they should be accorded full weight.

**Issue 2: Landscape character**

47. *Policy CS6: Sustainable Design and Development Principles* is concerned, amongst other things, with ensuring new development protects, restores, conserves and enhances the natural, built and historic environment. The policy states that development will need to be appropriate in scale, density, pattern and design taking into account the local context and character, and those features that contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate. *Policy C17: Environmental Networks* endeavours to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.
48. *Policy MD2: Sustainable Design* is concerned, amongst other things, with respecting locally distinctive or valued character, including the historic context. *Policy MD12: The Natural Environment* indicates that proposals that are likely to have a significant adverse effect, directly, indirectly or cumulatively on a range of matters, including visual amenity or landscape character and local distinctiveness, will only be permitted if there is no satisfactory alternative and the social and economic benefits of the proposal outweigh the harm.
49. The above mentioned policies are designed to ensure that careful regard is paid to local character. As this concern is one of the key components of *the Framework* these policies should be accorded significant weight.
50. The Council is concerned about the adverse impact of the proposal on the landscape character of the local area. In particular the Council draws attention to the harmful landscape effects of the scheme on the setting of the historic hamlet of Nobold, on the open countryside character of the appeal site and its setting, and on the semi-rural character of Longden Lane.
51. The main built-up part of Shrewsbury will extend to the north-eastern boundary of the appeal site once the Wyro site is developed. At that time it would no longer be appropriate to describe the appeal site as 'an isolated greenfield site, detached from the main-built up area.' However on the basis of the material submitted and my site visit I believe that the appeal site would continue to make a significant contribution to the landscape character of the local area.
52. The historic hamlet of Nobold is set apart from the main-built up part of Shrewsbury and is surrounded by agricultural land, including the southern part of the appeal site. As a result Nobold has a distinctive, rural character and its own separate identity. In my judgement the protection of these characteristics is a worthwhile planning objective and in line with one of the core planning principles of the *Framework* which refers to the need to take account of the

- different roles and character of different areas. In my view, taking account of the Wyro scheme, the development of the appeal site would lead to the physical coalescence of the urban area of Shrewsbury with Nobold. As a result the distinctive character and identity of the hamlet would be lost and the landscape character of the area changed for the worse.
53. I have considered whether a planning condition could address this concern, for instance by identifying an area of land within the appeal site that should remain open and free from development. However I have serious reservations about such an approach. I believe that in order to define such an area it would first be necessary to undertake a thorough landscape character assessment. No such assessment is before me. Furthermore the area to be kept free of development may prove to be substantial and to apply a planning condition in this event would fundamentally change the nature of the scheme.
54. The appeal site is also clearly part of the pleasant undeveloped countryside around the south-western edge of Shrewsbury. Consequently it makes a positive contribution to the attractive rural setting of this part of the town. The development of this area of open countryside with housing would therefore cause significant harm to the town's rural setting and thereby detract from the character of the local area. Detailed design, siting, layout or landscaping would be unable to ameliorate this harm to an acceptable extent. It is accepted that the permitted Wyro development would alter the site's surroundings to the east. However, I consider that the appeal site would still be perceived after the completion of the Wyro development as an extensive area of open countryside contributing to the attractive setting of this part of the town.
55. I also believe that the proposed development would change the semi-rural nature of that part of Longden Lane lying between the south-east corner of the site and Rose Cottage. The appeal scheme, in particular the proposed access and the associated visibility splays, would involve the loss of a significant part of the mature hedge along this part of the lane. Furthermore the formation of the access road to serve up to 125 dwellings would mean that more vehicular traffic would be coming and going along this part of the lane. As a result of these changes this part of Longden Lane would take on a suburban appearance and its semi-rural nature would be substantially eroded. Any new planting along the visibility splays would not compensate for the loss of the frontage hedging, given that it would be set back and take a number of years to mature.
56. I conclude, therefore, on the second main issue that the proposal would significantly detract from the landscape character of the local area. In particular the distinctive character and identity of the hamlet of Nobold would be lost, there would be considerable harm to the town's rural setting, and the semi-rural nature of part of Longden Lane would be substantially eroded. This brings the scheme into conflict with *Policies CS6 and C17 of the SCS and Policies MD2 and Policy MD12 of the SAMDevPlan*, as well as with *paragraph 109 of the Framework* which seeks to protect and enhance valued landscapes. It would also be in conflict with *Policy CS5*.

### **Issue 3: Traffic**

57. *Policy CS6* also seeks to ensure that there is sufficient infrastructure capacity to cope with any new development. *Policy MD8: Infrastructure Provision* specifies that new development will only take place where there is sufficient existing infrastructure capacity or where development includes measures to address a



specific capacity shortfall which it has created. As these policies seek to prevent development that would have a severe impact on highway safety they broadly accord with *the Framework* and should be accorded significant weight.

58. The Council chose not to advance any highway evidence at the Inquiry. Notwithstanding this the Council did not withdraw its highway reason for refusal. From the material before me it would appear that the Council's main concern is that that the proposal would lead to increased queuing on Longden Road south of the Roman Road/Longden Road roundabout at peak times. As a result this would in turn increase the amount of traffic likely to use Nobold Road and Mousecroft Lane as drivers seek alternative routes.
59. The Council already has plans to improve the Roman Road / Longden Road roundabout in order to encourage traffic to use the Roman Road orbital route around Shrewsbury in preference to routes through or closer to the town. The Council's proposals involve the conversion of the roundabout to a signal-controlled cross-roads. The Council considers that this proposed highway scheme would provide a modest improvement in capacity when compared to the existing roundabout, taking into account traffic generated by the Wyro development. However when the additional traffic generated by the appeal proposal is also included forecasting indicates that there would be a reduction in junction capacity and increased congestion along Longden Lane south.
60. The appellant proposes minor modifications to the Council's proposed junction improvement scheme to mitigate these impacts and is prepared to finance these changes. These modifications have been tested using forecast traffic flows, including that generated by the Wyro scheme and the current appeal proposal. The results indicate that the overall reserve capacity of the junction would be improved and the residual impact on queuing on Longden Road south of the Roman Road / Longden Road would, at most, be relatively insignificant. In the light of this it is unlikely that driver frustration would materially increase to the extent that Nobold Road/Mousecroft Lane would be used as an alternative to the main roads in the area any more than they are at present.
61. In view of these findings I conclude on the third main issue that the scheme would not have an unacceptable impact on highway safety. As a result the scheme would not be in conflict with the *Policy CS6* of the *SCS* and *Policy MD8* of the *SAMDev Plan* or *the Framework*.

#### **Other matters**

62. Local people have raised a number of concerns including the impact on highway safety, traffic congestion, residential amenity, biodiversity, the capacity of local services and facilities, drainage and flooding. However, having considered all the material before me, including the views of statutory authorities and the various reports submitted, none of these matters individually or cumulatively would be likely to cause overriding harm, and they are not, therefore grounds for dismissing the appeal.

#### **Overall planning balance**

63. I have found that the various local policies relating to the supply of housing are up-to-date and in accordance with national guidance. These policies identify Shrewsbury as the primary focus for housing growth within Shropshire, with about 25% of the County's housing growth to be accommodated in the town

between 2006 and 2026. The development of the appeal site, which lies on the edge of Shrewsbury, would accord with this overall strategy. Furthermore the policies for the supply of housing, in particular *Policy MD3: Delivery of Housing Development*, allow for the release of other sites for housing in addition to those allocated. In determining whether a site is suitable for release the policies indicate that consideration needs to be given to the presumption in favour of sustainable development.

64. *Paragraph 14 of the Framework* makes it clear that there is a presumption in favour of sustainable development, which has three dimensions: economic, social and environmental. In my judgement the appeal scheme would fulfil the economic role of sustainable development and would contribute to building a strong, responsive and competitive economy, by helping to ensure that there is housing land available to support growth. In terms of the social dimension the scheme would contribute to boosting housing supply by providing a range of sizes and types of housing for the community, including a number of much-needed affordable housing units. The site is available and in the absence of any significant constraints could be developed in the near future. As regards environmental considerations the site is well located in terms of accessibility to the wide range of services and facilities available in Shrewsbury. The unilateral undertaking provides for improved bus services, thereby contributing to a reduction in car journeys. The proposal would also provide amenity space for the benefit of the wider community and secure an ecologically rich corridor along the north-eastern boundary of the site.
65. I have found, however, that in terms of environmental considerations there are significant adverse impacts. In particular the distinctive character and identity of the hamlet of Nobold would be lost, there would be considerable harm to the town's rural setting, and the semi-rural nature of part of Longden Lane would be substantially eroded. This brings the scheme into conflict with *Policies CS5, CS6 and C17 of the SCS and Policies MD2 and Policy MD12 of the SAMDevPlan*.
66. In view of the environmental harm identified I do not consider the proposed scheme constitutes sustainable development. Consequently the 'presumption in favour' set out in local and national planning policy does not apply. As the scheme does not represent sustainable development, and constitutes development in the countryside beyond the town's settlement boundary, its release for housing would be in conflict with *Policy MD3: Delivery of Housing Development and Policy MD7a; Managing Housing Development in the Countryside*

### **Overall Conclusion**

67. My overall conclusion, therefore, is that the proposal is clearly at odds with the development plan and that other material considerations do not outweigh this conflict. *Paragraph 12 of the Framework* indicates that in such a situation development should be refused. Consequently there are compelling grounds for dismissing the appeal. None of the other matters raised, including the various appeal cases referred to me, outweigh the considerations that have led to my decision.

*Christopher Anstey*

Inspector

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Hashi Mohamed of Counsel

He called

Mr Keith Hampshire BA Director, ESP Ltd, Wolverhampton.

DipLA CMLI

Mr Edward West BA Principal Policy Specialist (Planning Policy),  
(Hons) MCD MRTPI Shropshire Council

Mr Andy Gittins

### FOR THE APPELLANT:

Roger Lancaster of Counsel

He called

Mr Sean McGregor BA Director, Travis Baker Transport Planning Ltd.,  
(Hons) MSc (Eng) CMILT Nottingham.

MCIHT

Mr Michael Watts Senior Director, Nathaniel Lichfield & Partners,  
DipURP (Dist) MRTPI Manchester.

Mr Tony McAteer DipTP Director, McAteer Associates Ltd., Bolton.  
DMS MRTPI

### INTERESTED PERSONS:

Dr Robert Findlay

Mrs Karin Dawson

Councillor Roger Evans

Dr Susan Harris

## **DOCUMENTS HANDED IN DURING THE INQUIRY**

1. Council's letters of notification of appeal & lists of persons notified.
2. Attendance lists.
3. Appendices (containing A3 photographs) to Mr Hampshire's Proof of Evidence handed in by Mr Mohamed.
4. Copy of extract from Inquiries Procedure Rules handed in by Mr Mohamed.
5. Landscape Rebuttal by Mr Gray BA (Hons) BLA CMLI handed in by Mr Lancaster.
6. Mr Hampshire's response to Mr Gray's Landscape Rebuttal.
7. Copy of the Planning Inspectorate's Procedural Guide to Planning Appeals handed in by Mr Mohamed.
8. Statement by Dr Susan Harris.
9. List of affordable housing sites handed in by Mr Mohamed.
10. Joint Statement (Areas of Agreement & Divergence) on the Housing Requirement and Housing Supply.
11. Revised Joint Statement (Areas of Agreement & Divergence) on the Housing Requirement and Housing Supply.
12. Copy of E-mail dated 7/10/15 from Mr M Wootton (Shropshire Council Highways) relating to the Roman Road/Longden Road junction improvements handed in by Mr Mohamed.

13. Copy of Committee report dated 8/10/15 relating to the Wyro Developments Ltd site handed in by Mr Mohamed.
14. Draft conditions.

**DOCUMENTS RECEIVED AFTER THE CLOSE OF THE INQUIRY**

- i. SAMDev Plan Inspector's Report dated 30 October 2015.
- ii. Council's updated Housing Land Supply calculation.
- iii. Unilateral Undertaking dated 21 October 2015
- iv. Nathaniel Lichfield's Supplementary Statement.
- v. Council's Supplementary Statement