

STATEMENT OF CASE – PLANNING MATTERS

LAND SOUTH OF LONGSIGHT ROAD,
LANGHO

DECEMBER 2025

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1. Introduction

1.1 This Statement of Case sets out the grounds of appeal for Hallam Land Management Limited (hereafter referred to as 'the Appellant') in respect of an appeal pursuant to Section 78 of the Town and Country Planning Act 1990 against Ribble Valley Borough Council's (hereafter referred to as 'RVBC' or 'the Council') decision to refuse an Outline Planning Application ('OPA') for a residential development at the site known as Land South of Longsight Road, Langho ('the site').

1.2 The OPA (Reference: 3/2025/0196) was submitted via the Planning Portal on 20th March 2025. The assigned description of development was as follows:

"Outline planning application for up to 300 residential dwellings, associated access, rail station car park, green infrastructure and sustainable drainage systems (all matters reserved except for access)."

1.3 The OPA was refused in accordance with officer's recommendation on 27th June 2025. There were five Reasons for Refusal ('RfR') cited within the decision notice issued by RVBC, they are as follows:

1. *The proposed development would result in a large-scale residential development, outside of a defined settlement, which fails to meet any of the exception criteria for allowing development in such location contrary to Key Statements DS1 and H2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy.*
2. *The proposed development, by virtue of the quantum of development, would result in a large scale development in a rural location resulting in future users being reliant on a private motor vehicle contrary to Key Statement DM12 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy and the National Planning Policy Framework which supports sustainable patterns of development.*
3. *The proposed development, by virtue of its overall scale and footprint, would result in the introduction of an incongruous, unsympathetic, and discordant form of development, particularly when viewed from public vantage points along Longsight Road (A59) approaching the site from both the western and eastern directions, Public Footpath FP0606a which crosses the site and residential properties to the north of Langho village afforded direct views of the site. This would result in adverse, long term and permanent visual and landscape harm. The resultant impact fails to respond positively to the inherent visual and landscape character of the area contrary to Policies DMG1, DMG2, DME1 and DME2 of the Ribble Valley Core Strategy and the National Planning Policy Framework including paragraph 135.*
4. *The application fails to carry out appropriate assessments to fully assess the impacts of the development upon habitats within and adjacent to the site including whether appropriate protection and enhancement can be provided for protected species and their habitat. This is contrary to Key Statement EN4 and policy DME3 of the Ribble Valley Core Strategy and the National Planning Policy Framework.*
5. *The proposed development would result in the loss of existing habitat, hedgerow and watercourse units, with insufficient details being submitted to demonstrate an appropriate strategy for achieving the statutory requirement for Biodiversity Net Gain contrary to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).*

- 1.4 In accordance with the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 and with reference to the guidance at Section 12 of the Procedural Guide: Planning Appeals – England published by the Planning Inspectorate, this statement sets out the Appellant's full statement of case in addressing the cited reasons for refusal (RfRs).
- 1.5 Supporting Statements of Case have been prepared from members of the Appellant's team which set out the evidence which will be presented in relation to the following matters:
- Technical Statement on Housing Land Supply Matters by NJL Consulting
 - Ecology Appeal Statement prepared by FPCR
 - Landscape Appendix to Statement of Case prepared by Pegasus Group
 - Highways and Transport Appendix to the Statement of Case prepared by Tetra Tech
 - Affordable Housing Statement by Tetlow King
- 1.6 The expert witness statements have been summarised within this Statement in relation to the Appellant's case to the individually cited reasons for refusal.
- 1.7 The Appellant has prepared a draft Statement of Common Ground ('SoCG') which accompanies the Appeal submission. This is to be the basis upon which ongoing discussions will be had with the LPA in advance of the Inquiry, so as to reduce the scope of evidence required.
- 1.8 Without prejudice to the outcome of the Appeal, the Appellant will seek to agree a draft list of planning conditions as well as the completion of a s106 Agreement or Unilateral Undertaking to ensure that all requisite contributions which are necessary are secured.
- 1.9 A first draft of a Core Documents library has been commenced as the basis for use by all parties. The Appellant reserves the right to add or amend to this list of documents as required.

2. Appeal Context

Site and Surroundings

2.1 The circa 20.01 hectare application site is located directly south of Longsight Road (A59) in the village of Langho, 2.99km south-west of Whalley, 6.8km south-west of Clitheroe, 6.5 km north-east of Blackburn town centre and 16.7km east of Preston city centre.

2.2 The site is well related to the urban area with built development on two out of three sides, sporadic residential development along the third and major road and rail infrastructure to the north and south. Thus:

- To the north is the major strategic route of the A59, here called Longsight Road;
- To the east the site abuts a recently built residential site, 'Northcote Park', developed by Pringle Homes accommodating 42 homes (application reference: 3/2018/0844);
- To the south by Ribble Valley railway line and Langho Railway station bounding the site at the south easternly corner. Beyond the railway is the main part of the settlement; and
- To the west is Whitehalgh Lane which contains sporadic residential development.

2.3 The appeal site boundary is set out below in Figure 1.

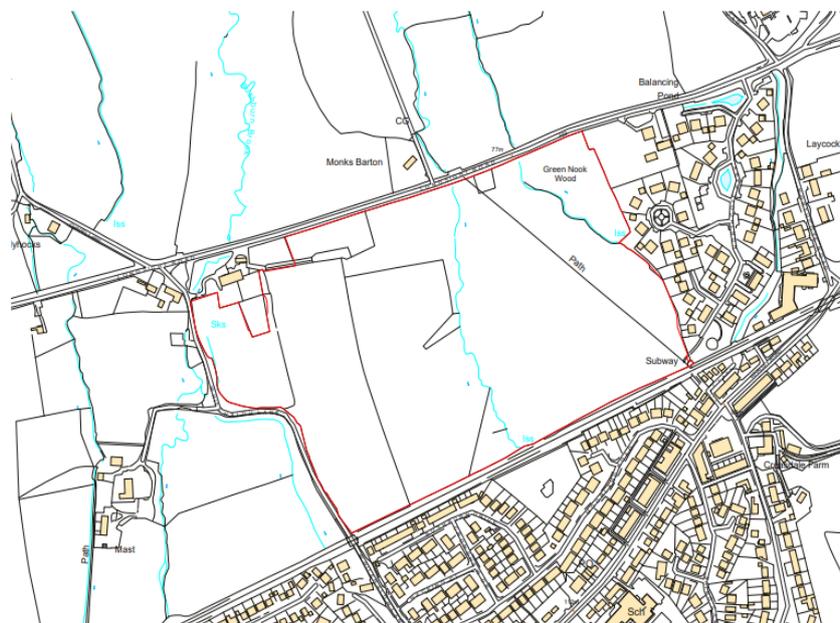


Figure 1: Appeal Site Boundary

2.4 The site is currently undeveloped greenfield land partially used for livestock grazing. The topography of the site slopes down from the southern boundary at the railway line (approx. 95m), down towards Longsight Road to the north (approx. 80m). An

underground Utilities pipeline runs parallel to the railway line towards the south of the site.

- 2.5 An existing Public Right of Way ('PROW') footpath (3-6-FP 6) runs diagonally across the site, connecting the A59 to Langho station and underneath the railway at Olive Bank, to the main village conurbation. It appears to be primarily used as a PROW.
- 2.6 An existing ditch and brook run north to south through the centre of the site, with an existing culvert towards Longsight Road. The land includes a pocket of woodland, named Green Nook Wood, located in the northeast corner of the site and covering approximately 2.69 acres. There is evidence of trespass within this woodland and some anti-social behaviour. Other mature trees are present on site, particularly surrounding the existing watercourse, and in the south-east corner towards the station.

The Surrounding Built Form

- 2.7 The Borough is largely rural, with a corridor of larger settlements along the A59 corridor. Beyond that the development pattern tends to be more sporadic. Surrounding land uses to the Site comprise agricultural land to the north (beyond the A59, Longsight Road) and west (beyond Whitehalgh Lane and its sporadic development), a recently developed residential estate consisting of 42 homes to the east (planning ref. 3/2018/0844), and the existing Langho village settlement to the south, beyond the railway. The site is approximately 3 miles from the nearest point of the 'Forest of Bowland Area of Outstanding Natural Beauty' ('AONB')¹ at Hurst Green. The term AONB has since been replaced by National Landscapes.
- 2.8 The residential estate to the northeast of the site, otherwise known as 'Northcote Park', was recently developed by Pringle Homes and occupies approximately 5.2 hectares of land. Planning consent for the Northcote Park development was granted in June 2019 under planning application reference 3/2018/0844. The development is now complete, and the homes are occupied. The homes are characterised by detached and semi-detached 4, 5 and 6 bedroom homes. The architectural style reflects both contemporary and traditional design, with homes typically constructed from stone brick or a 'Pebble Dash' design painted white. Whilst plainly associated with Langho, this development has a clear presence on the A59, and exhibits a large scale form of residential design in contrast to other parts of the Village.
- 2.9 More widely, the local vernacular in the Langho village settlement is characterised by a combination of smaller stone and red-brick properties with tiled roofs. The area features a predominantly residential urban form, characterised by a mix of detached and semi-detached bungalows and two-storey houses from the C20th. The site's proximity to Langho village provides further locational advantages, due to the availability of local services, such as a St Mary's Roman Catholic Primary school (circa 230m from site boundary), St Leonards C of E school (circa 857m from site), Langho pharmacy (circa 82m from the site), Langho post office (circa 350m from the site) and SPAR convenience store (circa 650m from site). Other amenities, such as a children's play area, are located within open space south of the site off Bushburn Drive, approximately 20m south from the site boundary.
- 2.10 The site benefits from strong connectivity to the wider region. Longsight Road (A59) bounds the site to the north and is a key arterial road, serving as a connection to surrounding economic centres. The route runs northeast to southwest through the southern part of the borough and is a major connection as well as an "economic

¹ The term AONB has since been replaced by the term National Landscapes.

corridor". Langho Roundabout, approximately 415m from the site, connects the A59, but also provides access to routes along Whalley Road into Langho Village, or further south to surrounding villages such as Wilpshire or Blackburn town centre.

- 2.11 Langho Railway station is positioned directly to the south-east of the site, providing hourly connections to Clitheroe (east), and Manchester via Preston and Blackburn to the west. Bus routes are accessible from both Longsight Road and Whalley Road. The closest bus stop along Longsight Road (approximately 380m) provides regular services such as the 280 to Preston, and 859 to Wilpshire. Bus routes along Whalley Road include the 22 Valley line to Blackburn and Shadsworth.
- 2.12 The existing Public Right of Way ('PRoW') running through the site provides a public footpath and pedestrian underpass from Olive Bank. This section of the PRoW ends at the northern boundary of the site meeting Longsight Road. It then continues north up towards Lower Fold Farm. Other existing PRoW in the site's surroundings run parallel to the west of the site from Whitehalgh Lane. This footpath provides connections south towards Wilpshire. Although there is an existing pedestrian access to the station via a public footpath and pedestrian underpass from Olive Bank, car accessibility and parking at the station is currently constrained, with no dedicated car park serving users of the station.

Planning History

The Site

- 2.13 There are no applications or relevance.

Surrounding Applications

Land off Longsight Road, Langho – Northcote Park

LPA Reference	Description of Development	Status
3/2018/0844	Erection of 42 new homes, landscaping and associated works.	Approved Subject to Legal Agreement (05/06/2019)
3/2015/0010	Application for outline consent for 18 residential homes, including 5 affordable homes and associated access, landscaping and other necessary works.	Approved Subject to Legal Agreement (09/07/2015)
3/2014/0687	Outline Application for up to 132 residential homes and associated access, landscaping and other necessary works.	Refused (14/11/2014)

Land Adjacent to Ferns, Northcote Road Langho – Allocated site

LPA Reference	Description of Development	Status
3/2022/0537	Proposed residential development of 8 detached home houses.	Approved with conditions (28/04/2023)

Land at Petre Wood Close, Langho

LPA Reference	Description of Development	Status
3/2019/0661	31 affordable two and three-bedroom houses and two-bedroom bungalows (for rent and for shared ownership).	Approved with conditions (1st November 2019)

Housing Land Supply

- 2.14 The Council claims that it can demonstrate a 5 year housing land supply with a claimed supply of 6.2 years as of April 2025. The Council's calculation relies upon the use of past oversupply to reduce the housing requirement for the calculation as well as assumptions in relation to delivery of known sites.
- 2.15 A supporting Housing Land Supply Statement of Case (see **Appendix 1**) outlines the Appellant's position on housing land supply, contesting both the validity and appropriateness of the use of oversupply as well as presenting alternative assumptions on known site delivery.
- 2.16 The position of both parties is set out in the below table.

Deliverable Supply	With 'Oversupply'		Without 'Oversupply'	
	Appellant 2025 -2030	RVBC 2025 -2030	Appellant 2025 -2030	RVBC 2025 -2030
C2 Permissions	76	76	76	76
Allocation Sites	107	177	107	177
Full Planning Sites	82	85	82	85
Outline Planning sites	0	41	0	41
Under Construction & Commenced	596	730	596	730
Small Sites	156	215	156	215
Deliverable Supply	1017	1324	1017	1324
Annual Requirement	259	259	311	311
Five Year Requirement	-	-	1555	1555
+ 5% buffer	1,295	1,295	1633	1633
5YHLS Position (Years)	3.9	5.1	3.1	4.1
Surplus/ shortfall	-278	29	-616	-309

- 2.17 It is the Appellant's case that oversupply should not be factored into the calculation. On that basis the Council's contended supply would at best result in only a demonstrate **4.1 years supply** and on the Appellant's assessment then the supply would equate to a mere **3.1 years supply**. With over-supply this would rise to 3.9 years on the Appellant's supply, and it is only on the Council's supply that the Council could demonstrate that they have met the minimum requirements of Government.
- 2.18 In accordance with para 11 (d) of the NPPF it is the Appellant's case that therefore the tilted balance is engaged.

3. The Appeal Proposal

- 3.1 Outline Planning Permission is sought, with only matters of the primary means of access into the Site for approval, for the development of the site to deliver up to 300 residential homes (Use Class C3) and associated access, a publicly available surface level car park, green infrastructure and sustainable drainage systems.
- 3.2 It is proposed that the maximum number of homes determined with the appeal is fixed via planning condition. Parameter plans accompany the application and are proposed to be approved plans to govern specific development constraints and how they inform the future layout of a proposed development which would be subject of reserved matters planning application(s).
- 3.3 Parameter plan **ref 0102 'Land Use and Heights'** identifies the developable areas and the maximum building heights within those areas as well as approximately 10.84ha areas which are to be retained for green infrastructure comprising ecological enhancement areas, open space/amenity, proposed car park provision and attenuation ponds.
- 3.4 Parameter plan **ref 0103 'Movement and Access'** overlays the internal road, formalised pedestrian and cycle path network as well as proposals to retain the exiting PRow between the train station and Longsight Road.
- 3.5 An illustrative layout has been submitted with the planning application for information only and is not subject of approval at this stage however identifies one possible iteration of how relevant parameters and anticipated design requirements could inform a future layout.
- 3.6 The illustrative layout has evolved using a housing density which has had due regard to surrounding residential development to the east (9 dwellings per hectare ('dph')), with existing housing density in Langho at around 25 dph. This proposed development will have an up-to 31 dph net density; whilst this is in excess of the existing conurbation of Langho, RVBC acknowledge within their 2021 Annual Monitoring Report ('AMR') that their assumed density across all sites within their 2013 Strategic Housing Land Availability Assessment ('SHMA') was 35dph.
- 3.7 They also acknowledge within the AMR that recent development (as of 2021) was falling significantly short of this target. Therefore, it is important that RVBC demand higher densities on sites coming forward for development. It should be noted that density can be achieved whilst still allowing for significant space for the creation of landscape buffers along the site boundaries, open spaces and biodiversity enhancement.
- 3.8 Amenity space would be provided as a combination of private gardens and communal areas. A significant portion of the public open space and communal areas is located within the south east of the site closest to the access to the village and Langho train station. This will therefore allow the space to form an accessible and usable space for Langho residents to access and use.
- 3.9 The Landscape Strategy Masterplan, prepared by Pegasus, outlines the details of landscaping and open space provision on site. The open space typologies across the site and their purposes have been outlined below.

Open Space Typology	Primary Purpose
Natural and semi-natural green space	<p>These areas have recreational value for walking and informal play but are designed to maximise biodiversity opportunities. This can include copses of woodlands, scrub, meadows and open water / sustainable drainage features.</p> <p>Within the proposals these areas are categorised by:</p> <ul style="list-style-type: none"> - The existing Green Nook Wood. - The existing beck. <p>Existing on-site vegetation is high-quality and will define the character of the settlement extension. Green Nook Wood will screen the site to the east.</p> <p>A dedicated BNG area will be positioned on site, to help to ensure a 10% net gain in biodiversity, whilst also enhancing the local ecology by providing habitats and supporting wildlife.</p>
Green Corridors	<p>Significant green corridors will be located across the site, notably around the existing beck running through the centre of the site, along the existing PROW, and along the western boundary. These take on important roles that help integrate the site in its surroundings and will provide important nature corridors and include native trees, shrubs, grass and flower species, that will help soften views of the site from the wider countryside and adjacent housing. The spaces will incorporate existing trees, vegetation, and pedestrian footways. Adjacent housing will overlook the space, providing natural surveillance.</p> <p>The existing beck will be retained and will allow for an integrated sustainable drainage solution throughout the site.</p>
Amenity Green Space	<p>These areas consist of informal recreation spaces and green spaces in and around housing and informal open spaces. Small pocket parks will be incorporated into the green and avenue street structure.</p>
Provision for Children and Young People	<p>Equipped play areas including Locally Equipped Areas for Play and Neighbourhood Equipped Areas for Play. In addition, other informal open spaces around the site will be designed to allow for informal play and exploration. Play can be encouraged through the incorporation of naturalistic features such as logs, boulders and stepping-stones.</p>

- 3.10 With regards future housing, all homes would be designed to meet the nationally described space standards. A mix of dwellings in terms of size, type and tenure would be provided to be determined by local policy requirements and identified need.
- 3.11 Affordable housing is also provided in-line with the requirement of 30% on site delivery (of affordable homes) in developments of 5 homes or more found in Key Statement H3 (Affordable Housing) and Policy DMH1 (Affordable Housing Criteria). The affordable housing mix will be guided through discussions with RVBC's housing team to reflect up-to-date needs in Langho and Ribble Valley more generally.

- 3.12 Key Statement H3 (Affordable Housing) also identifies housing for older people as a priority. Accordingly, the proposal fully complies with the policy requirements for 15% of the units being delivered for older persons, of which 50% are for affordable housing and will be secured via legal agreement.
- 3.13 The proposal includes a new priority-controlled junction on Longsight Road to serve the development. This will be accompanied by an additional pedestrian and cycle access point from Whitehalgh Lane (with detailed permission for this element to be sought at this stage).
- 3.14 The outline proposals incorporate a publicly accessible surface level car park in close proximity to Langho station. Based on the Illustrative Masterplan, this will provide approximately 43 car parking spaces including 5 accessible bays, and parking for bicycles (the minimum number expected to be controlled by condition). Electric vehicle charging will be provided in line with adopted policy requirements at the time of future Reserved Matters submissions.
- 3.15 Vehicle and cycle parking provision for the residential properties will be provided in line with the parking standards set out at Appendix 5 of the TRDC Development Management Policies Local Development Document. Electric car parking spaces will also be provided in line with applicable standards at the time of Reserved Matters submissions.
- 3.16 Eastwood prepared the Flood Risk Assessment and Drainage Strategy proposing flood risk mitigation measures including:
- Green Corridors, such as along the existing beck; and
 - Two attenuation basins located towards the northern boundary of the site (leveraging the sloping trajectory) that will also improve biodiversity and act.
- 3.17 Surface water runoff will be managed and directed away from the residential properties and neighbouring development.

Determination of Refused Application

Submission and Validation

- 3.18 The OPA submission was submitted via the Planning Portal and received by RVBC on 10th March 2025 and registered by RVBC on 31st March 2025 under reference: 3/2025/0196.

“Outline planning application for up to 300 residential dwellings, associated access, rail station car park, green infrastructure and sustainable drainage systems (all matters reserved except for access).”

Post-submission

- 3.19 The statutory consultation period ran from 31st March 2025 to 21st April 2025.
- 3.20 On 9th June RVBC for the first time provided the full range of consultee responses received to the applicant via email as well as confirming that the application was to be taken to the 26th June Planning and Development Committee for determination. It is not known why consultation responses were not uploaded once they had been received.

- 3.21 That email confirmed that all consultee responses had been received with exception of BNG/Ecology and Trees. No response on that issue was uploaded to the Council's portal nor was it subsequently added into the Officer's report.
- 3.22 However Section 5.5 of that report outlined 'Trees/Ecology and BNG as a particular section which refers to a GMEU response in the assessment and confirms that insufficient information has been provided with the application and therefore would fail to accord with Key Statement EN4 and Policy DME3 of the Core Strategy ultimately translating into RfRs 4 and 5.
- 3.23 The full list of consultee responses and whether they constitute an objection to development are listed below, noting that the only objection was from GMEU which had unreasonably not been provided to the Applicant prior to determination.

Consultee	Comment	Objection
United Utilities	Drainage details not accepted as would expect to see details of finished floor levels as well as cover and invert levels of all manholes. Request a condition requiring details of surface water and foul water drainage to be submitted.	N
Environment Agency	No constraints identified and therefore screened as low risk. Do not intend to make comments on the proposed scheme.	N
Natural England	Standing advice offered.	N
Electricity Northwest	No response received.	N
Environmental Health	No objection on grounds of air quality, noise/vibration or lighting subject to planning condition.	N
Network Rail	The developer would be required to enter into a basic asset protection agreement with Network Rail to ensure that works do not impact the safe operation, stability, integrity of the railway and its boundary. In addition the developer will be required to submit a risk assessment and method statement to Network Rail and this is a suggested condition. The applicant will be required to provide a suitable trespass fence within the application site which is also a suggested condition. Additional comments provided, and conditions suggested, about construction, drainage, lighting, noise and vibration and trees.	N
Lead Local Flood Authority (LLFA)	No objection subject to conditions relating to final surface water sustainable drainage strategy, construction surface water management plan, sustainable drainage system operation and maintenance manual and verification report of constructed sustainable drainage system.	N

LCC Archaeology	No objection	N
Local Education Authority (LCC Education)	No objection. The impact of the development would not result in the loss of places for other development and updated Primary and Secondary School capacity figures by 2030 were provided. No education contribution required at this stage.	N
Northern Rail	Welcomed the proposed car park but requested delivering 3 disabled and 46 standard bays with 20% passive provision for future EV charging requirements (if required). Requested considering improvements to the subway drainage system, refreshing wayfinding signs and paintwork	N
LCC Highways	<p>Traffic Impact - The following junctions 1-4 have been assessed using nationally agreed Junctions 10 software and junction 5 TRANSYT.</p> <ol style="list-style-type: none"> 1. Site access/A59 Longsight Road Priority junction 2. A59 Longsight Road /A666/C548 Whalley Road - Roundabout 3. A59 Longsight Road /Whitehalgh Lane/Chapel Lane Priority junction 4. A666/Whitehalgh Lane/York Lane - Double mini roundabout 5. A59 Longsight Road/B6245 Ribchester Road - Signalised junction <p>The above junctions are demonstrated to operate within capacity in the future assessed year 2030 without any mitigation required. We do not dispute this.</p> <p>New site access / of site highways works - Formation of new site access and off site highways works to be undertaken with a s278 agreement and subject to a detailed design process and safety audit. This includes:</p> <ol style="list-style-type: none"> 1. New site access on A59 and associated works shown on drawing Hydrock drawings 4094/100/P001 and 4094/100/P002 including new footway/cycleways on the A59, new signalised toucan crossing, reduction in speed limit to 40mph with enhanced gateway features and associated signing/lining. 2. New pedestrian/cycle link on Whitehalgh Lane with reduction of speed limit to 30mph with associated lighting and traffic calming measures. 3. Upgrade of zebra crossing and central pedestrian island on Whalley Road near Olive Bank and the primary school. 	

	<p>4. The upgrade/provision of 4 quality bus stops (2 x Whalley Road A666 and 2 x Longsight Road A59) to support all users to travel to/from site sustainably.</p> <p>Contributions To mitigate the impact of the development on the highway network the following contributions are requested within a Section 106 agreement.</p> <p>1. Travel Plan support £18,000. Circa £250 per dwelling to support a modal shift agreed and linked to the Travel Plan SMART targets.</p> <p>2. Public Transport support £175,000 every year for 5 years = £875,000</p> <p>Sustainability - Subject to the mitigation measures identified above being implemented we consider that residents have the option to travel sustainably between the site, local facilities and employment centres.</p> <p>Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the impact of the proposed development traffic can be sufficiently mitigated on the surrounding highway network with the details as outlined above.</p>	
GMEU	<p>Greater Manchester Ecology Unit advise that currently there is insufficient Ecology information available to decide the above application.</p> <p>In particular, the following information is lacking –</p> <ul style="list-style-type: none"> • Updated habitat survey undertaken at an appropriate time of year. The current habitat assessments provided were carried out in late October, outside of the optimal time of year for undertaking grassland surveys. According to comments made in the Ecological Impact Assessment and the Biodiversity Net Gain Report provided with the application, further botanical surveys are planned in June. • Breeding Bird Surveys; again, these are planned for June 2025 • Great Crested Newt Surveys; these surveys are planned in 2025 <p>The proposal fails to demonstrate that the proposed development would not result in harm to established wildlife habits and therefore fails accord with Key Statement EN4 and Policy DME3 of the Ribble Valley Core Strategy.</p> <p>In addition, GMEU raise some queries regarding the BNG requirement. Currently the applicant proposes that retained grassland and woodland habitats on the site will be enhanced as a contribution towards the requirement for the</p>	Y

	<p>development to achieve at least a 10% gain in biodiversity, but it is questionable whether these enhancements could be achieved in practice, given that the habitats will be fragmented and subject to significant public pressure from the development. GMEU advise that the applicants should re-visit these proposals to assess whether the claimed enhancements could realistically be achieved.</p> <p>Even if the enhancements claimed could be delivered, the development will still result in a significant loss in local biodiversity. It is stated that Biodiversity Units could be sourced off-site, but no details of this off-site provision have been provided. Further information regarding off-site habitat creation and enhancement is required to provide an acceptable level of reassurance that the Biodiversity Gain Condition, which will apply to the application, will be able to be met.</p> <p>In this respect the authority cannot be certain that the proposal would align with the requirements of Key Statement EN4 which requires a net enhancement in biodiversity of a least 10% and whether this could be accommodated on the site and the mandatory BNG requirement.</p>	
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Proposed Amendments to Appeal Scheme

3.26 Subsequent to the scheme being determined, the Appellant has proposed some very minor modifications to the green infrastructure proposed as follows:

- The existing public footpath that runs through the site would pass through a proposed residential area. The configuration of the hard landscaping of this area, including access road and driveways, has been slightly adjusted to create a wider landscape corridor in order to accommodate the existing footpath alignment.
- The northern boundary of the site would accommodate a tree belt running along its northern boundaries so as to provide a greater degree of physical and visual containment leaving the balancing pond areas in broadly the same locations.
- Increased stand off between proposed development and designated Ancient Woodland

3.27 The changes affect the following plans:

Superseded Plan Reference		Updated Plan Reference	
P24-2318_EN_07_A	– Landscape Masterplan	P24-2318_EN_07_B	– Landscape Masterplan
0101 – Illustrative Masterplan		0101 Rev F – Illustrative Masterplan	

3.28 The changes do not result in any changes to parameter plans which are proposed to be conditioned should planning permission be granted. The changes do not change the extent of the appeal site, overall maximum number of dwellings proposed or substantially change the outline application.

3.29 There is no prejudicial or procedural unfairness to the Council, consultees or third parties and we invite the Inspector to determine the appeal on this updated basis.

4. Planning Policy Context

- 4.1 This Section considers the planning policy context and other material considerations relevant to the Appeal, including in terms of the Development Plan, national and local documents/publications, appeal decisions before establishing the status of the policies of the Development Plan and the weight to be afforded them in the consideration of the Appeal.
- 4.2 This section outlines the full extent of policies and guidance at national and local level as well as those material considerations that may be relevant to determination of this appeal.

Statutory Development Plan

- 4.3 The Development Plan for the purposes of determining planning applications under Section 38(6) of the Planning and Compulsory Purchase Act 2004 comprises:
- Core Strategy 2008-2028 (adopted 2014); and
 - Housing and Economic Development Plan (adopted 2019)
- 4.4 Both of these documents are more than 5 years old and have not been reviewed or updated as required by para 34 of the NPPF (2024) and as is a legal requirement of Regulation 10A of the Town and Country Planning (Local Planning)(England) Regulations 2012).

Core Strategy (adopted 2014)

- 4.5 The Core Strategy sets out the overarching strategy, policies and long-term vision for Ribble Valley, with the Key Statements providing the strategic framework for development within the borough. They guide the delivery of sustainable growth, housing provision, environmental protection and infrastructure improvement.
- 4.6 The Officer's report included a list of relevant policies from the Core Strategy at Section 4. That list is as follows:

Key Statement DS1: Development Strategy

Key Statement DS2: Sustainable Development

Key Statement EN3: Sustainability and Climate Change

Key Statement EN4: Biodiversity and Geodiversity

Key Statement H1: Housing Provision

Key Statement H2: Housing Balance

Key Statement H3: Affordable Housing

Key Statement DM11: Planning Obligations

Key Statement DM12: Transport Considerations

Policy DMG1: General Considerations

Policy DMG2: Strategic Considerations

Policy DMG3: Transport & Mobility

Policy DME1: Protecting Trees and Woodlands

Policy DME3: Site and Species Protection and Conservation

Policy DME6: Water Management

Policy DMH1: Affordable Housing Criteria

Policy DMB4: Open Space Provision

Policy DMB5: Footpaths and Bridleways

- 4.7 There are inconsistencies between this list and additional policies which are then included within the 5 reasons for refusals.
- 4.8 Policy DMH3 (Dwellings in the Open Countryside and AONB) is cited within RfR 1.
- 4.9 Policy DME2 (Landscape and Townscape Protection) is cited within RfR 3.
- 4.10 Conversely, the Council list Policy DMB5 (Footpaths and Bridleways) and refer to an alleged conflict with the policy (para 5.4.5) however that policy is then not referred to in the conclusions or cited within a reason for refusal.
- 4.11 In contrast full matrix of consideration of the proposals against all relevant development plan policies was provided in support of the outline planning application.
- 4.12 Highlighted below are those policies of most relevance to the Appeal proposals as considered by the Appellant and which are subject of evidence to dispute perceived conflicts or to evidence how policies support the Appeal proposals.
- 4.13 **Key Statement DS1 (Development Strategy)** sets the spatial strategy for development within Ribble Valley for delivery of the housing requirement as contained within Policy H1. It outlines that the majority of new housing development will be concentrated within an identified strategic site located to the south of Clitheroe; and the principal settlements of Clitheroe, Longridge; and Whalley. Key Statement DS1 concentrates development to 'within' the settlement boundaries of the strategic site and 'towards' Tier 1 Villages such as Langho.
- 4.14 **Key Statement DS2: Presumption in Favour of Sustainable Development** states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. Planning applications that accord with the policies of the Local Plan will be approved without delay and where policies are out of date, adverse impacts would need to significantly and demonstrably outweigh benefits to refuse planning permission.
- 4.15 **Key Statement EN4: Biodiversity and Geodiversity.** The Council will seek wherever to conserve and enhance the area's biodiversity and geodiversity. Negative impacts should be avoided. Proposals that adversely effect a site of recognised environmental or ecological importance will only be permitted where negative effects can be mitigated or compensated for. For sites that are not statutorily designated and compensation could be managed through a mechanism such as biodiversity off-setting.
- 4.16 **Key Statement H1 (Housing Provision)** sets the strategic aim for Ribble Valley to deliver 5,600 homes over the Plan period, equating to an annual average completion target of at least 280 homes per year. The policy states that 'plan monitor manage' approach will be adopted and that the overall housing requirement will be subject to a formal review within 5 years of plan adoption.

- 4.17 **Key Statement H2: Housing Balance** states planning permission will only be granted for residential development providing it can be demonstrated that it delivers a suitable mix of housing that accords with the projected future household requirements and local need across the Ribble Valley as a whole as evidenced by the Strategic Housing Market Assessment. Determination of planning applications for residential development will be informed by the most recent Housing Needs Surveys, Addressing Housing Needs statement and the most recently adopted SHMA, to identify the type, tenure and size of residential dwellings, required at different locations throughout the borough as well as reference to relevant housing market information as appropriate.
- 4.18 **Key Statement H3: Affordable Housing** outlines the approach to meeting affordable housing need. In locations outside of the settlement boundaries of Clitheroe and Longridge 30% affordable housing will be required on developments of 5 or more dwellings or >0.2ha site area. The policy confirms that 'providing housing for older people is a priority for the Council within the Housing Strategy'. Accordingly 15% of units will be sought for older peoples on sites of 10 or more. 50% of which will be for affordable housing and 50% for open market housing.
- 4.19 **Key Statement DMI1: Planning Obligations** provides policy support to secure planning obligations. An order of priority is established with affordable housing the highest priority followed by highways improvements, open space and education.
- 4.20 **Key Statement DMI2: Transport Considerations.** New development should be located so as to minimise the need to travel. It should also incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for the private car.
- 4.21 **Policy DMG1 (General Considerations)** identifies the main development management considerations affecting the determination of planning applications. The policy suggests that all development must meet specific design, access, amenity, environment and infrastructure criteria as the overarching series of considerations that the Council will have regard, to achieve quality development.
- 4.22 Policy DMG1 is considered to align with the thrust of the NPPF in respect of its advocacy for well-designed places in appropriate locations and therefore carries weight in the determination of the application. The policy has only been referred to in refusing planning permission in relation to RfR3 and perceived harm to landscape character.
- 4.23 **Policy DMG2 (Strategic Considerations)** establishes how the Development Strategy for Ribble Valley set out in Key Statement DS1 will be implemented. The policy establishes that within 'Open Countryside', development would only be considered appropriate where:
1. *The development should be essential to the local economy or social well-being of the area;*
 2. *The development is needed for the purposes of forestry or agriculture;*
 3. *The development is for local needs housing which meets an identified need and is secured as such;*
 4. *The development is for small scale tourism or recreational developments appropriate to a rural area;*
 5. *The development is for small scale uses appropriate to a rural area where a local need or benefit can be demonstrated;*
 6. *The development is compatible with the enterprise zone designation.*
- 4.24 It is considered that Key Statement DS1 and Policy DMG2 read in tandem rightly encourage development to the most sustainable locations, but Policy DMG2 limits

development other than the noted exceptions to sites within settlement boundaries in Ribble Valley.

- 4.25 Noting that the settlement boundaries derive from outdated housing requirements, it is considered that these policies unreasonably constrain development and therefore RVBC's ability to meet the LHN requirement. It is therefore considered that these policies carry only very limited weight. And breach of an out of date settlement boundary cannot be afforded more than limited weight.
- 4.26 **Policy DMG3: Transport and Mobility** sets out that in addition to assessing proposals in the context of the development strategy, 'considerable weight' will be given to a range of considerations in relation to site access to highway network, making adequate provision for cycling, pedestrians and those with reduced mobility and those that improve choice available by public transport.
- 4.27 **Policy DME3: Site and Species Protection and Conservation.** Development will not be permitted that will likely have adverse effect on wildlife species protected by law, SSSI's priority habitats, local nature reserves, county biological heritage sites, SACS, SPAS or any acknowledged nature conservation value of sites or species.
- 4.28 **Policy DMH1: Affordable Housing Criteria** provides additional policy guidance on the eligibility criteria for affordable housing where it is proposed. The policy also reemphasises that housing for older people is a longstanding priority. The policy confirms that very little accommodation has been developed by the market despite of the acute need and supposed priority the type of housing is within the Council's Housing Strategy.
- 4.29 **Policy DMH3: (Dwellings in the Open Countryside and AONB)** sets out the criteria for which residential development in Open Countryside or AONB will be limited to, as follows:
1. *Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers homes a functional and financial test will be applied.*
 2. *The appropriate conversion of buildings to homes providing they are suitably located and their form and general design are in keeping with their surroundings. Buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.*
 3. *The rebuilding or replacement of existing homes subject to the following criteria:*
 - *The residential use of the property should not have been abandoned.*
 - *There being no adverse impact on the landscape in relation to the new home.*
 - *The need to extend an existing curtilage.*
- 4.30 **Policy DMB5: Footpaths and Bridleways** outlines that by-ways and unsurfaced/unclassified roads as part of the PRoW network are to be retained, maintained and improved. When a PRoW will inevitably become less attractive due to adjacent development, compensation to deliver a net improvement to the network.

Housing and Economic Development DPD

- 4.31 The Housing and Economic Development Plan Document sets out the key housing and economic issues including housing and economic land allocations, town centre policies and settlement boundaries. It reaffirms Langho is a Tier 1 village and allocates 0.4 hectares of land for residential development across one individual site (HAL6 – South of Laycocks Farm) for an estimated capacity of 10 dwellings.

Material Considerations

- 4.32 In addition to the policies of the statutory Development Plan, there are a series of national and local planning policy and guidance documents which are considered to be material considerations in the context of the proposed development including:
- National Planning Policy Framework (NPPF) (2024);
 - Planning Practice Guidance; and
 - Emerging RVBC Local Plan and Evidence Base
 - Other documentation

National Planning Policy Framework (NPPF – 2024)

- 4.33 The National Planning Policy Framework (NPPF) was first introduced in 2012 and was intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. A revised Framework was published in December 2024 which, amongst other important revisions, seeks to focus firmly on growth and increasing housing delivery across the country.
- 4.34 In tandem, with the revised methodology for calculating housing numbers i.e. the Standard Method, the requirements for Ribble Valley have increased from 113 homes per annum under the old methodology, to 310 under the most recent methodology. With the standard 5% buffer applied to ensure choice and competition in the market, this equates to 1,628 homes over the 5 year period, or 325 homes per year.
- 4.35 The presumption in favour of development, which sits at the core of the NPPF provides:
- “So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development” (Paragraph 10).*

The presumption in favour of sustainable development

- 4.36 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development and that *“for decision-taking this means:*
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important are out-of-date(8) (further detail given at footnote 9), granting permission unless:*

- i. *The application of policies in this Framework that protect area or assets of a particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework when taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁽⁹⁾".*
- 4.37 Footnote (8) of the NPPF provides further guidance as to when policies should be considered out of date for the purpose of Paragraph 11(d). It states
- "This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."*
- 4.38 Footnote (9) clarifies that the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12
- 4.39 Para. 12 sets out that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Delivering a sufficient supply of homes

- 4.40 The NPPF supports the Government's objective of significantly boosting the supply of homes, requiring a sufficient quantity and variety of land to come forward. The minimum number of homes needed should be informed by the local housing needs assessment, calculated using the Standard Methodology in National Planning Practice Guidance (Paragraph 62).
- 4.41 Paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people (including those who require retirement housing²), people with disabilities and people who rent their homes, among others).
- 4.42 Para 71 states that mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through their policies and decisions (although this should not preclude schemes that are mainly, or entirely, for Social Rent or other affordable housing tenures from being supported). Mixed tenure sites can include a mixture of ownership and rental tenures, including Social Rent, other rented affordable housing and build to rent, as well as housing designed for specific groups

² This was added to the December 2023 version of the NPPF

such as older people's housing and student accommodation, and plots sold for custom or self-build.

- 4.43 Para 77 advocates that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.
- 4.44 Para 78 requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

Promoting sustainable transport

- 4.45 Section 9 of the NPPF sets out clear guidance on promoting sustainable transport. Paragraph 115 requires that development proposal ensure that:
- "sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location"*.
- 4.46 Paragraph 110 states that the planning system should actively manage patterns of growth in support of overarching objectives. It elaborates, stating that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 4.47 Paragraph 115 sets the framework for considering both site allocations as well as applications for development, suggesting that they should ensure that:
- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 4.48 Paragraph 117 then goes on to require additional criteria to be met:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Additionally, paragraph 118 highlights the need for vision-led transport assessments or statements for significant developments to ensure that any impacts on the transport network are identified, monitored and mitigated.

Achieving well-designed places

- 4.49 Paragraph 131 of the Framework states *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* The Framework places an emphasis on provided high quality design in new development.

Conserving and enhancing the natural environment

- 4.50 The need to contribute and enhance to the natural and local environment is made clear by Section 15. Paragraph 187 sets out several instances where planning policies and decisions should contribute to and enhance the natural and local environment, as follows:

- a) *“Protecting and enhancing valued landscapes;*
- b) *Recognising the intrinsic character and beauty of the countryside;*
- c) *Maintaining the character of the undeveloped coast;*
- d) *Minimising impacts on and providing net gains for biodiversity;*
- e) *Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affect by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- f) *Remediating and mitigation despoiled, degraded, derelict, contaminated and unstable land, where appropriate”* (Page 54).

Paragraphs 193 outline the approach to applications to protect and enhance biodiversity and geodiversity and approach to mitigation and compensation.

National Planning Practice Guidance (PPG – 02/2024)

- 4.51 The Planning Practice Guidance (PPG) accompanies the NPPF to provide further guidance for developments across England. It was first published in March 2014 with the latest update being February 2024. The PPG states that good design should

enhance the quality of buildings and spaces, by considering (inter alia), form and function, efficiency and effectiveness, and their impact upon well-being. It also sets out a number of issues which should be considered, including local character, safe, connected and efficient streets, crime prevention, access and inclusion and cohesive and vibrant neighbourhoods.

- 4.52 Paragraph 008 (ID: 21b-008-20140306) states that material planning considerations are those which are relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). It states that the scope of what can constitute a material consideration is very wide and so the courts often do not indicate what can be a material consideration; in general however, the courts have taken the view that planning is concerned with land use in the public interest. Therefore the protection of purely private interests could not be material considerations.
- 4.53 Paragraph 009 (ID: 21b-009-20140306) set out the approach to weighting in respect of material considerations. It states that provided that regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material consideration in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.
- 4.54 Paragraph 013 (ID: 21b-013-20150327) sets out that a local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed.
- 4.55 Paragraph 001 (ID: 67-001-20190722) states that whilst the standard method for assessing local housing need identifies the overall minimum average annual housing need figure, it does not break this down into the housing need of individual groups. It encourages plan-making authorities to identify and plan for the housing needs of particular groups of people.
- 4.56 Good design is set out in the Guide under the following 10 characteristics: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes and Buildings, Resources and Lifespan.
- 4.57 The Guide reinforces the aim of the NPPF to create high quality places and buildings and has been prepared in the context of anticipated climate change, changing home ownership models and changes in technology.
- 4.58 The scheme proposed here is wholly in line with the expectations of the Design Guide, with the design principles and framework set out in the submitted Design and Access Statement (prepared by Stantec) providing a well-designed development for the community.

Emerging RVBC Local Plan

- 4.59 RVBC resolved to prepare a new Local Plan in November 2019.
- 4.60 Since then it has been in the process of preparing a new Local Plan to replace the Core Strategy, with updated policies to address future housing needs, environmental sustainability and other aspects in line with local priorities and national planning reforms. The Plan will encompass policies within the existing Core Strategy and provisions sets out in the Housing and Economic Development DPD to create a singular document, which will guide the development of Ribble Valley to 2038.

- 4.61 As part of the plan review, the Council launched a 'Call for Sites' in both 2021 and 2025 to allow possible sites to be brought forward for consideration for housing, employment, commercial, open space development, as well as sites for nature conservation.
- 4.62 The Appeal Site was submitted as part of this 'Call for Sites' process on both occasions and in 2022 representations to the Strategic Matters Consultation (Regulation 18) were submitted on behalf of the Appellants.
- 4.63 No further consultation has taken place on the emerging Local Plan therefore in over 3 years. The LDS has recently been updated as of 27th November 2025 and the LDS updated.³

Local Plan Preparation Stage	Target Deadline
Preferred Options Draft (Preferred Option) Local Plan consultation (Regulation 18)	Spring 2026
Pre-Submission (Proposed Publication) Document consultation (Regulation 19)	Autumn 2026
Submission for Independent Examination (Regulation 22)	Winter 2026/27*
Examination Hearings	Spring 2027**
Main Modifications Consultation (if necessary)	Summer 2027**
Inspectors Report	Autumn 2027**
Adoption (Regulation 26)	Winter 2027/28**

* No later than the Government's deadline of 31 December 2026

** Indicative as dates will be dependent on the availability of the Planning Inspectorate

Relevant Studies/Assessments and Documentation

- 4.64 The Appellant will draw from a wide range of documentation which has informed the adoption of the Core Strategy as well as those which have or are being updated to inform the emerging Local Plan:
- Ribble Valley Settlement Audit prepared by RVBC in 2006
 - SHMA prepared by RVBC 2006
 - Ribble Valley Settlement Hierarchy prepared by RVBC December 2008
 - SHLAA prepared by RVBC 2009 and 2013
 - Annual Monitoring Reports
 - Public Transport Position Paper prepared by RBBC November 2021
 - Strategic Housing and Economic Needs prepared by Turley April 2020
 - Affordable Housing Needs Assessment prepared by JG Consulting May 2025
 - Working Draft Settlement Study prepared by RVBC September 2025
 - Working Draft Settlement Profiles prepared by RVBC September 2025

³ Local Development Scheme published 27th November 2025

Planning decisions / appeals / relevant case law

- 4.65 Planning decisions/appeals and judgements of relevance to the Appeal proposal in relation to the principle of development, housing land supply and any other technical detail to which evidence is being presented in relation this Appeal. This will include documentation pertaining to decisions within the Borough but also nationally.
- 4.66 A list of the most relevant decisions will be agreed with the Council and included within both the SoCG and listed within Core Documents.

5. Appellant's Case and Response to Council's RfR's

- 5.1 The appellant will demonstrate that the proposed development represents a sustainable form of development securing net gains across all three strands of sustainable development (economic, social and environmental).
- 5.2 The Appellant's case is that the Council cannot demonstrate a 5-year housing land supply. In accordance with Footnote 8 of the NPPF, the absence of adequate housing land supply, the most important policies for determining an application are rendered out of date and as such are to be determined in accordance with NPPF para 11 (d).
- 5.3 The tilted balance does not revoke the requirement that the development plan is the starting point in decision making, however as per the provisions of paragraph 11(d), the Appellant will demonstrate that the most important policies in this instance are out of date and how that effects the weight to be given in relation to assessing the Appeal proposals and the Council's cited RfR's'
- 5.4 In addressing the Council's RfR's in this section, the Appellant will provide points of evidence to support the Appellant's position which are to be built upon within a Proof of Evidence to a Public Inquiry.

Reason for Refusal 1: The proposed development would result in a large-scale residential development, outside of a defined settlement, which fails to meet any of the exception criteria for allowing development in such location contrary to Key Statements DS1 and H2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy.

Key Statement DS1 – Development Strategy

- 5.5 Key Statement DS1 sets out the basis to deliver on the plan's objectives to focus growth and investment on the three Principal settlements and Strategic sites. The Core Strategy was adopted in December 2014.
- 5.6 The RVCS Plan period is 2008 – 2028 and we are now over 17 years into the period with less than 3 years remaining. Therefore, in setting tiers of growth priorities, it is an important factor to consider whether the Plan has been successful in its policy aims of meeting its targets.
- 5.7 Insofar as guiding development in a sustainable way I will show that to an extent, the policy has been a success in that a majority of new growth has taken place in principal settlements as a 'majority of new housing development' will have taken place at Standen as well as Clitheroe, Longridge and Whalley.
- 5.8 Turning to Langho and the Core Strategy, Key Statement DS1 does **not** prescribe any targets or impose a ceiling on development in Tier 1 settlements, such as Langho. It is acknowledged that there is a plan-wide **minimum** housing target and a requirement of RVBC to meet this. Whilst there is supporting text around the desired location for growth (in line with the settlement hierarchy), there is **no** commitment or **limit** to the actual development numbers that should be achieved/not breached in each specific settlement.
- 5.9 This is not surprising as the RVCS examining Inspector Berkeley made clear that the requirement was a minimum in his Report which I will draw from in evidence. Paragraph 65 of the Examination Inspector's Report explicitly reinforced this point, ensuring that

the wording of Key Statement H1 to deliver 'at least' 5,600 dwellings was retained in policy and treating this requirement as a minimum target reflective of the Government's broad agenda of significantly boosting the supply of housing.

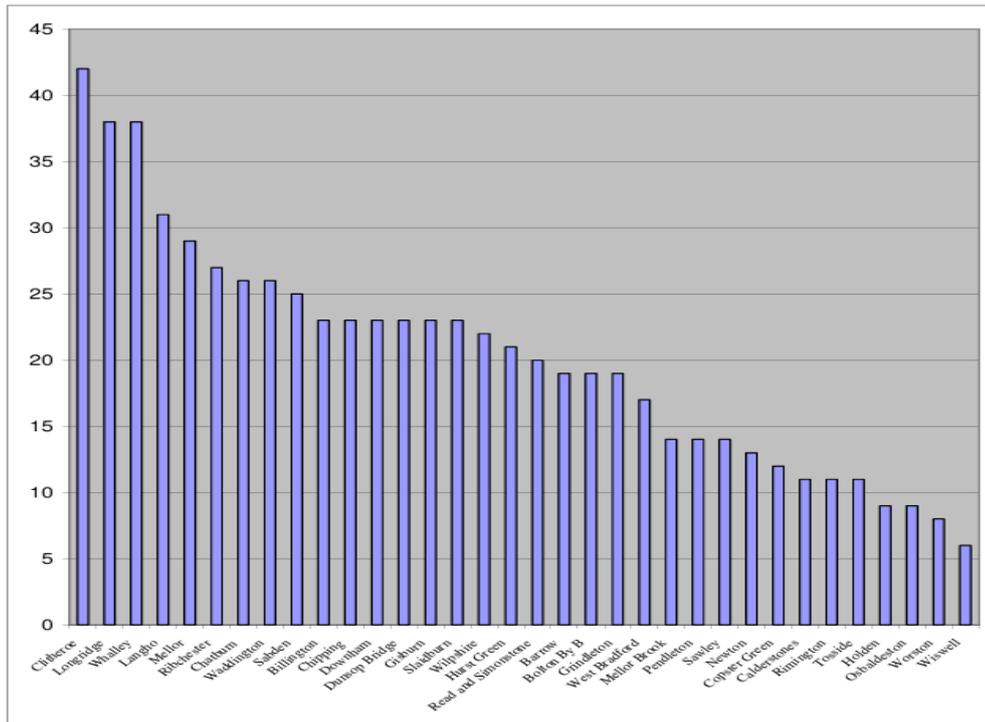
- 5.10 Therefore, over the plan period, the spatial strategy has achieved its core objective in directing the majority of its growth towards higher order settlements and to specific locations.
- 5.11 The Appeal proposals do not individually or cumulatively affect the success or outcome of the focus and direction of the policy across the plan period. The temporal nature of any perceived harm will continue to lessen the closer to the end of the plan period and accordingly harm associated with this perceived policy conflict offered less weight.

Langho as a Sustainable Settlement for Growth

- 5.12 Irrespective of that perceived policy harm, I will evidence the appropriateness of Langho to support additional development of this scale given its elevated status in the settlement hierarchy and inherent sustainability credentials. I will rely on the Council's own evidence as well as our own appraisal of this matter.
- 5.13 Whilst Langho is one of 9 Tier 1 villages, it has consistently been acknowledged by the Council in their evidence base as one of the most sustainable in comparison to other villages but also outperforming higher order settlements in relation to specific categories.
- 5.14 This was firstly assessed in evidence underpinning the Local Development Framework in 2008⁴. The 'Settlement Hierarchy' paper prepared by the Council in December 2008 provides a full review of 34 settlements within the Borough assessing each settlement's services provision as well as general accessibility to facilities and services within the wider area. This includes transport, convenience services, community facilities, health provision, education and employment.
- 5.15 That study identifies that Clitheroe stood out as most significant settlement within the Borough followed by Whalley and Longridge. The settlement that then performed the next best being Langho in 4th place scoring 31 points out of a possible 42.
- 5.16 It is presumed that this is evidenced by the Council's approach to the Pringle Homes development that led to the development to the immediate east of the Appeal Site being granted.

⁴ Settlement Hierarchy December 2008

Chart 1 Ribble Valley Settlement Hierarchy Summary



(Total Points Across All Groups of Provision/Facilities (Max = 42))

5.17 In accessibility terms, Langho is one of just four locations with a train station within Ribble Valley (Ramsgreave and Wilpshire, Langho, Whalley and Clitheroe), with the 2021 Public Transport Position Paper identifying the village as **the** most accessible settlement in the Borough for rail access to accessible major destinations performing better than all three Principal Settlements within the Borough.

Category	Origin Settlement	NUMBER OF ACCESSIBLE MAJOR DESTINATIONS USING THE RAIL NETWORK					TOTAL
		Up to 15	15 to 30	30 to 45	45 to 60	60 to 75	
Tier 1	Langho	3	1	1			5
Tier 1	Ramsgreave (& Wilpshire)	2	1	2			5
Principal	Whalley	1	1	1	1		4
Principal	Clitheroe	1	1		2		4

Figure 8: Summary of accessibility assessments for each settlement using the rail network, ranked by number of destinations accessible.

5.18 Analysis in the 2021 Public Transport Position Paper⁵ confirms that Langho is 'best placed to take advantage of the benefits of the rail network, benefitting from a location which allows passengers to access Whalley and Clitheroe to the east, as well as the wider regional network by connecting at Blackburn'.

5.19 A lack of parking to support this train station has been identified as a major constraint to using the station locally, with the Council acknowledging that 'without improvements to these facilities across all four stations, it is difficult to improve the attractiveness of this mode of transport for those who would require parking within the vicinity of a train station'. Through the proposal to provide a dedicated surface level car park as part of the Appeal proposals will provide strategic infrastructure to improve

⁵ Para 5.2.9

accessibility to rail travel for the Borough as a wider scheme benefit which is supported by both RVCS policy as well as the NPPF – considered further in relation to RfR2.

- 5.20 With regards bus travel, Langho once again scored highly and is considered the joint 3rd settlement, scoring the same as Clitheroe and better than Longridge.

Category	Origin Settlement	NUMBER OF ACCESSIBLE MAJOR DESTINATIONS USING THE BUS NETWORK					TOTAL
		Up to 15	15 to 30	30 to 45	45 to 60	60 to 75	
Tier 1	Wilpshire		3	1		3	7
Principal	Whalley	1	1	1	3		6
Tier 1	Barrow	2		1	2		5
Tier 2	Ribchester	1	2	1	1		5
Principal	Clitheroe	1	1		3		5
Tier 2	Calderstones	1	1	1	1	1	5
Tier 1	Billington	1	1	1		2	5
Tier 1	Read and Simonstone		2	1	2		5
Tier 1	Mellor		1	2	2		5
Tier 1	Langho		2	1		2	5
Tier 1	Mellor Brook		1	3		1	5
Tier 2	Osbaldeston		1	3		1	5
Tier 2	Copster Green		1	2	1	1	5
Principal	Longridge	1		2	1		4
Tier 2	Sabden		2	1		1	4
Tier 2	Chipping		1		1	2	4

- 5.21 Taking the direct accessibility to services, facilities and choices of transport modes, it is evident that as a sustainable location, Langho performs well within the higher order of the settlement hierarchy in comparison to other Tier 1 locations and is specifically recognised as a settlement of 'high accessibility'.

- 5.22 The Draft 2025 Settlement Study confirms in Appendix 5 that Langho is the 6th most accessible settlement in relation to population rank, services facilities, employment and transport. It therefore continues to be rightly regarded as one of the most sustainable settlements within the Borough.

- 5.23 Finally, tellingly the policy criterion in relation to Tier 1 Villages is permissive and does not prescribe a limit to the scale of development. Indeed, I will provide evidence in relation to the adoption of the RVCS, whereby significant recent housing growth within Barrow was embedded within the housing land supply requirement and DS1 distribution at the time of adoption.

- 5.24 This was due to an allowed Appeal for 710 dwellings as the emerging plan was being progressed to adoption. Barrow a far smaller Tier 1 village in terms of its population with less sustainable public transport infrastructure (i.e. railway station) when compared to Langho, and yet was considered to be appropriate to expand significantly in the context of an immediate need for housing.

- 5.25 There is no basis for the Council to argue that the principle therefore of 'large scale' nature of the proposed development, which in this case is for up to 300 dwellings, would in some way conflict with this criterion of DS1 or indeed undermine any future development strategy whereby Langho growth will be a central part.

Assessment of Compliance with Key Statement DS1

- 5.26 Drawing the above analysis together with the specific policy wording of Key Statement DS1, I disagree with the Council's assessment that the appeal proposal conflicts with DS1 for the following reasons:

- The analysis shows that the Council have delivered on their spatial vision for the Borough, in directing the majority of housing growth to the three principal settlements of Clitheroe, Longridge, and Whalley.
- The scale of development being proposed at the appeal would clearly not result in such an imbalance in the spatial distribution of housing within the Borough that it would undermine the Council's efforts in continuing to deliver on this spatial vision.
- Indeed, the appeal proposal accords with the next limb of Key Statement DS1 which seeks to sequentially direct housing development to the next higher order tier of settlements in the Borough including the strategic site at Standen and the Tier 1 villages.
- Owing to the site's location within a Tier 1 village, and unlike residential development in Tier 2 village settlements, there is no requirement to demonstrate a proven local need or regeneration benefits.
- The scale of housing proposed in this location is wholly commensurate with the sustainability credentials of Langho which have long been acknowledged by the Council in their evidence base as one of the highest performing locations in the Borough beyond the principal settlements. This is reinforced by the lack of technical objection by statutory consultees on sustainability and impacts to local infrastructure demonstrating the proposal can be readily accommodated within the settlement.
- The specific wording of this criterion of Key Statement DS1 is also important. It states that 'in general' housing growth will be managed accordingly to local context.
- So far as they are applicable to the appeal proposal, there is no conflict with the remaining criterion of Key Statement DS1. Indeed, my I will demonstrate the opportunities for sustainable development to come forward and create wider economic, social and environmental benefits.
- The Council's assessment in the Officer's Report fails to explain or identify any specific conflict with DS1 so far as it relates to the grounds set out under the first reason for refusal. Paragraph 5.1.2 simply states that 'the proposal would not be acceptable in principle as it fails to accord with Key Statement DS1 and Policy DMG2 of the Core Strategy in terms of the location of housing development within the Borough'.

Key Statement H2: Housing Balance

- 5.27 The Council seeks to conflate the issue of conflict with development that is proposed outside of settlement boundaries to also include provisions of Key Statement H2 in order to add strength to their case against the proposals.
- 5.28 Key Statement H2 relates solely to development management matters on housing balance and mix of housing, stating that planning permission will only be granted for residential development provided that it can be demonstrated it accords with future household requirements as outlined with the most recent Housing Needs Surveys or SHMA.
- 5.29 It must be understood that there is no defined housing mix proposed at this stage and is a matter which would be appropriately determined as part of a future reserved matters application. This has not been acknowledged by the Council and no analysis

was provided within the Officer's report to outline the reason for the perceived policy conflict and therefore it is unclear as to the basis of the conflict.

- 5.30 The SHENA prepared by Turley (2020) is the latest evidence base document on general housing needs (though has been superseded on affordable housing needs by the AHNA 2025. That report considers the size, type and tenure of housing needed. On that basis of meeting a need for 280 dwellings per annum within the Borough an illustration is provided as to type of housing could be required based on demographic information at that time. It does however confirm *'this does, however, represent only an illustrative interpretation of available evidence, which should be used for guidance and monitoring purposes but should not be prescribed as an explicit requirement for individual sites given that they will need to respond to changing market demands and take account of viability considerations'* (para 8.15). There is therefore no basis for the appeal proposals to be considered to conflict with that evidence base document.
- 5.31 Prior to this the latest Housing Needs Survey available was published by the Council in 2012 and the latest SHMA in December 2008, neither therefore can be considered an upto date assessment of the local housing needs within the area.
- 5.32 The SHMA does not set out a need figure for the Billington and Langho ward as it is suggested an earlier survey was carried out with a 'very different questionnaire format' and so the study does determine what the local needs are.
- 5.33 The more recent HNS sets out that there is a 'clear need for affordable housing across all areas of the district' (para 6.1). Furthermore, it acknowledges that *'providing housing for the elderly has been a priority within the Housing Strategy for many years. However the market has not met the needs of the elderly and there preferred accommodation type. Therefore there is a requirement for 15% of large developments to be units for the elderly (over 55 yr olds) built to lifetime homes standard. This will be achieved by: - - - on sites of 30 units or more a requirement for 15% of the units to be for the elderly, of the 15% elderly accommodation a minimum of 50% would be affordable and included within the affordable offer of 30%. The remaining 50% of the elderly accommodation could be market housing and be sold at market value or rent. A local connection requirement would be applied to these units.'*(para 5.1).
- 5.34 It is the Appellant's case that there is no conflict with Key Statement H2 and to the contrary the development would deliver a range of market and affordable (rent and market discount for sale) including homes for older persons.
- 5.35 Such a mixed tenure proposition would therefore not only comply with Policy H2 but also now aligns with updated national policy guidance at para 71 of the NPPF.

Reason for Refusal 1(ii) – The type of development proposed and its acceptability in the 'Open Countryside'

- 5.36 As part of the RfR, RVBC stated that the proposed development would not *'meet any of the exception criteria for allowing development in such location (outside of a defined settlement) contrary to Key Statements DS1 and H2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy'*.
- 5.37 Key Statements DS1 and H2 have been covered above and this particular issue relates to interpretation of conflict with Policies DMG2 and DMH3. DMG2 clarifies that development should be in accordance with the Core Strategy development strategy and support its spatial vision.
- 5.38 It then outlines the approach to development within established settlement boundaries of Clitheroe, Longridge and Whalley as well a Tier 1 villages before specifying provisions

of what development within Tier 2 villages and outside of settlement boundaries must accord. The policy then qualifies further that development within the open countryside should be in keeping with the character of the landscape and acknowledge special qualities of the area.

- 5.39 I accept that the appeal proposals do not represent one of the noted exceptions of development which would be permissible in the open countryside within Policy DMG2 and as such there is a conflict with this element of the policy.
- 5.40 However, the settlement boundaries are out of date by virtue of Council's inability to demonstrate a five year housing land supply (see 5YHLS Proof) which renders the most important housing policies, including those directing growth and restricting land supply, as being out of date.
- 5.41 It is the Appellant's case that that the appeal site location adjacent to, but beyond an out of date settlement boundary is not a reason to refuse planning permission and the weight to be given to any conflict with these policies should not weigh significantly in the planning balance.

Reason for Refusal 2 – The proposed development, by virtue of the quantum of development, would result in a large scale development in a rural location resulting in future users being reliant on a private motor vehicle contrary to Key Statement DMI2 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy and the National Planning Policy Framework which supports sustainable patterns of development.

Compliance with Policy DMI2

- 5.42 Whilst Policy DMG1 is referred to in RfR 2, it is not referenced within the preceding assessment of the Officer and is solely referred to in relation to RfR3 in relation to the scale of development and perceived landscape harm. Accordingly, I do not consider this policy any further as part of my case and it should be capable of being included as a matter of agreement within the SoCG.
- 5.43 Policy DMI2 seeks to direct new development to locations which minimises the need to travel – in particular where there is a reliance placed on non-sustainable modes of transport. Schemes offering opportunities for more sustainable means of transport and sustainable travel improvements will also be supported.
- 5.44 Primarily, it is the Appellant's case that Langho and the site represent one of the most accessible locations in the District to locate development sustainably so as to reduce the need to use non-sustainable modes of transport. As has been summarised in relation to RfR 1 (paras5.10-5.19).
- 5.45 Additionally, the Appeal proposals will deliver a package of benefits to promote use of alternative modes of travel including the provision of a new car park to support the increased rail use of benefit to the wider Borough, itself a strategic aim of the Council and in alignment with national policy. Not only therefore is there an absence of conflict with Policy DMI2, there is explicit support for the benefits proposed.
- 5.46 Turning to Policy DMG3, the policy criteria is framed so as to '*attached considerable weight to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development*'. Seven criteria are then listed to consider how this is met and as a consequence the level of weight that can be attached to a proposal's ability to meet the criteria requirements as relevant.

- 5.47 The Officer Report alleged conflict with Policy DMG3 criterion 2) which requires development to make provision for access to the development by pedestrian, cyclists and those with reduced mobility. There is no suggested conflict with any other aspect of the policy by the Council.
- 5.48 Taking criterion 2, as is set out at length in by Highways and Transport Appendix to the Statement of Case at **Appendix 2** of this Statement, the site promotes 4 access points. Enhancements will be made to FP6a at its connection to the railway underpass. As a footpath it can only accommodate pedestrians. A new pedestrian and cycle access is however proposed onto Whitehalgh Lane, accompanied with speed reduction and traffic calming measures.
- 5.49 A new vehicular access (the main site access), framed with pedestrian and cycle infrastructure will be provided onto the A59. That is also accompanied by a speed reduction measures on the A59, footways and cycleways, uncontrolled crossings and a signalised toucan crossing and two new bus stops to Quality Bus standards.
- 5.50 It is also proposed to improve the existing access where FP6a emerges onto the A59. At this location pedestrians will benefit from the proposed measures along and across the A59.
- 5.51 The provision and enhancement of facilities at 4 and potentially 5 access locations, benefiting pedestrians, cyclists, public transport users, the mobility impaired and motorists is a clear demonstration that the site would be accessible to the surrounding networks and would meet the expectation of criteria 2 that '*provision is made for access to the development by pedestrian, cyclists and those with reduced mobility*'.
- 5.52 Mr Blair's evidence aligns with the Highways Authority's view on acceptability of the overall proposals. Lancashire County Council did not object to the proposed development and concluded that the impact of the proposed development traffic can be sufficiently mitigated on the surrounding highway network, in fact they support the proposals considering the location and the mitigation measure proposed:
- The guidance for walking and cycling distances between the centre of the site and the nearest bus stops (400m), education, local facilities and employment centres (800m walking/5km cycling) are considered suitable. Measures of mitigation to enhance the routes between the site and these centres are sought to be secured by the Highway Authority to support residents to travel safely by sustainable modes, without the reliance on the private car. Subject to the mitigation measures identified above being implemented we consider that residents have the option to travel sustainably between the site, local facilities and employment centres*
- 5.53 The Appeal proposals therefore fully accord with Policies DMI2 and DMG3 as well as the relevant provisions of the NPPF.

Reason for Refusal 3 – The proposed development, by virtue of its overall scale and footprint, would result in the introduction of an incongruous, unsympathetic, and discordant form of development, particularly when viewed from public vantage points along Longsight Road (A59) approaching the site from both the western and eastern directions, Public Footpath FP0606a which crosses the site and residential properties to the north of Langho village afforded direct views of the site. This would result in adverse, long term and permanent visual and landscape harm. The resultant impact fails to respond positively to the inherent visual and landscape character of the area contrary to Policies DMG1, DMG2, DME1 and DME2 of the Ribble Valley Core Strategy and the National Planning Policy Framework including paragraph 135.

- 5.54 The Appellant does not consider there to be a conflict with Policy DME1. It is cited within RfR 3 however the policy is not concerned with landscape and visual matters. The policy concerns trees, woodlands and hedgerows. The planning application was supported by an Arboricultural Assessment prepared by FPCR. The only assessment provided in response by the Council is contained in section 5 of the Officer's report 'Trees/Ecology and BNG'.
- 5.55 Para 5.5.4 concludes '*The submitted arboricultural and ecology reports state that the proposed development will not have a detrimental effect on the flora and fauna of the site due to mitigation, on/off site BNG and tree retention will be very high. However, given the topology of the site there will need to be a substantial change in levels within the site which can, and will, affect the retention of some of the mature trees and hedgerows.*'.
- 5.56 Similarly Policy DME2 is concerned with 'Landscape and Townscape Protection' listing landscape types and features. Once again there is no explanation within the Officer's report as to where there is a conflict specifically with this policy other than reference to the policy in RfR3.
- 5.57 However, this has been considered within the Appellant's case as contained Pegasus Group's Landscape Statement of Case at **Appendix 3** of this Statement. With regards landscape elements whilst the localised context will change to any features such as woodland, trees and hedgerows, the proposals will put in place a landscape framework which seeks to retain and strengthen through active management.
- 5.58 As for landscape character the proposals would introduce a high quality neighbourhood environment which would be in keeping with local settlement and character area. Proposals would incorporate significant new green infrastructure and so whilst character would be altered this new infrastructure would result in some beneficial effects at the site level.
- 5.59 Any overall judgment on landscape character effect should acknowledge that the site is framed by housing, a railway line and roads. At the site level, with a low susceptibility (given its urban fringe character), value and sensitivity combined with a high magnitude of change would result in an overall moderate (adverse) effect in landscape character terms.
- 5.60 Mr Cook provides the Appellants case on the level of harm Officer's allege in relation to:
- (i) Public vantage points along Longsight Road
 - (ii) Users of public footpath FP0606a
 - (iii) Residential properties on northern edge of Langho

- 5.61 The Appellant's position is that whilst there will be a change in localised views, once the proposed mitigation has matured there will be only a limited change other than within or close to the site. With regards (i), there will be views to the proposed scheme adjacent to the site when viewed from the immediate west. Immediately east of the site beyond Green Nook Wood the scheme would not be visible.
- 5.62 In relation to (ii) whilst the experience for users would change, the route would follow a landscaped corridor as well as the expansive area of open space in the south east corner of the site. The route will be surfaced and manged to improve the current useability of the route which is unmanaged and muddy and difficult to cross in winter months. At Footpath Improvement Strategy Plan is proposed to be controlled via planning condition which would conform the measures to be put in place to improve user experience overall.
- 5.63 Whilst (iii) is referenced in the RfR, para 5.2.6 of the Officer's report confirms there would not be any undue impacts to existing neighbour's properties subject to house types, appropriate land levels and scale, appropriate design, and distances to the eastern and southern boundaries and to the individual residential units to the west.
- 5.64 The Appellant's case is that whilst there would be an effect, nonetheless there is no substantive landscape and visual grounds to refuse planning permission.

Reason for Refusal 4 - The application fails to carry out appropriate assessments to fully assess the impacts of the development upon habitats within and adjacent to the site including whether appropriate protection and enhancement can be provided for protected species and their habitat. This is contrary to Key Statement EN4 and policy DME3 of the Ribble Valley Core Strategy and the National Planning Policy Framework.

- 5.65 As is noted within the Officer's report (para 5.5.5), GMEU have advised that the following information was lacking at the time of determination of the application:
- Updated habitat survey undertaken at an appropriate time of year. The current habitat assessments provided were carried out in late October, outside of the optimal time of year for undertaking grassland surveys. According to comments made in the Ecological Impact Assessment and the Biodiversity Net Gain Report provided with the application, further botanical surveys are planned in June.
 - Breeding Bird Surveys; again, these were planned for June 2025
 - Great Crested Newt Surveys; these surveys were planned in 2025
- 5.66 It was therefore concluded by GMEU that the proposal fails to demonstrate that the proposed development would not result in harm to established wildlife habits and therefore fails accord with Key Statement EN4 and Policy DME3 of the Ribble Valley Core Strategy.
- 5.67 Whilst the conclusions of officers at that time of determination were understandable, it is not known why no opportunity was afforded to the then Applicant to supplement its ecological evidence before determination. It was well known to officers that it was the Appellant's express intention to submit the final suite of surveys to the LPA/consultee prior to determination, however the application was presented to planning committee in advance of being able to do so.

- 5.68 Further surveys have now been undertaken and a Statement of Case prepared by FPCR is appended to this Statement at **Appendix 4**. FPCR's statement seeks to address the RfR4 and 5 in relation to ecology and BNG matters.
- 5.69 As FPCR confirm, the key habitat types recorded across the site include:
1. The ancient woodland and associated veteran tree;
 2. The area of lowland mix deciduous woodland,
 3. The small area of lowland meadow,
 4. Areas of other neutral grassland,
 5. The watercourse, and
 6. Hedgerow and mature trees.
- 5.70 FPCR's submission demonstrates that the proposals provide adequate mitigation to fully mitigate the potential effects of the proposed to the watercourse, the hedgerows, the individual and the lowland mixed deciduous woodland.
- 5.71 Other than the area of ancient woodland and the individual veteran, which are afforded policy protection through the NPPF, none of the remaining habitats are afforded statutory designation as referenced in the Key Statement of ENV4. Given this, in the broad context of ENV4, potential effects on these non-designated ecological assets could be managed through biodiversity offsetting.
- 5.72 The completed ecological survey work identified that the quality of the ancient woodland asset is being degraded through uncontrolled grazing, and the ancient woodland was identified as being in poor condition. The proposals have retained the ancient woodland and the associated veteran tree. In terms of the ancient woodland, a 15m buffer zone has been provided around the woodland, and the proposals will provide long-term positive management to improve the overall structure of the ground layer in the woodland.
- 5.73 The area of ancient woodland is situated outside the built development from the opposite side of the watercourse. Given this geographical location, increased recreational pressure during the operation phase of the development is not expected. Notwithstanding this, the proposals will delineate the edge of the woodland through the implementation of a hedgerow or a fence to minimise potential increased recreational use of the woodland.
- 5.74 Given the design of the scheme and the mitigation proposed within the scheme, the quality of the ancient woodland will be enhanced, and the ancient woodland will be protected. This mitigation and design ensure compliance with the requirement if Paragraph 193 (c) of the NPPF and the policy protection provided by the Key Statement ENV4 and DME3.
- 5.75 With regards protected species, as is confirmed within FPCR's statement (paras 10.25-10.29), additional protected species survey work was completed over the optimal period from March – July 2025. These surveys included:
- Bats (roost sites / foraging and commuting activity surveys),
 - Breeding birds,
 - Reptiles,
 - Aquatic survey for GCN in suitable waterbodies.

- 5.76 The habitats within the Site were not considered to provide optimal conditions for reptiles or watervole, and the presence of badger was not recorded.
- 5.77 The additional ecological survey work for protected and notable species did not identify any statutory ecological constraint from protected species. In common with the vast majority of green field sites on the edge of settlement, assemblages of overwinter / breeding birds and foraging/commuting bats were recorded. The recorded assemblage of these groups was not considered to be significant. It is the view of FPCR that the proposals can fully mitigate the effects of the proposals.
- 5.78 In simple terms, the additional information submitted to the LPA in the updated EclA and Biodiversity Net Gain Assessment dated 2025, provides all of the relevant ecological information and the relevant assessments requested by the council shortly before refusal of the application in June 2025.
- 5.79 Through this survey work, assessment and subsequent updates to the overall mitigation strategy confirm that the proposals will not result in significant adverse effects, and the proposals are acceptable when assessed against the requirements of local and national planning policies.
- 5.80 Whilst this Appeal has been lodged with evidence from FPCR on this matter, ongoing consultation with the LPA/consultee is taking place and it is expected that this reason for refusal may be removed. The SoCG will be updated to reflect established common ground to this effect and if required a Proof of Evidence prepared to reflect the updated position by the LPA and relevant consultees.

Reason for Refusal 5 - The proposed development would result in the loss of existing habitat, hedgerow and watercourse units, with insufficient details being submitted to demonstrate an appropriate strategy for achieving the statutory requirement for Biodiversity Net Gain contrary to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

- 5.81 The Ecology Statement of Case prepared by FPCR **Appendix 4** provides full context to the Appellant's position in respect of BNG matters. Specifically from para 10.30 contains explanation as to how the Appellant's proposals have been devised and the appropriateness of them in context of relevant policy and legislation.
- 5.82 A revised and updated Statutory Metric assessment has been prepared and submitted to the LPA. Since the submission of the original Statutory Metric, there have been two key changes to the baseline conditions and the mitigation applied within the scheme. One is the identification lowland meadow within the baseline and the inclusion of lowland meadow translocation in the post development proposals. The second is the designation of woodland W1 as an Ancient Woodland.
- 5.83 In terms of the lowland meadow slightly increases the baseline value of the Site. However, through translocation and long-term management, the scheme results in an overall net gain on-site for this receptor. In relation to this receptor, the scheme goes further, and additional lowland meadow units have been secured at the Moreton Park Habitat Bank. This additional provision does provide a significant gain to this receptor in the local area.
- 5.84 The identification of Ancient Woodland makes no difference to the baseline habitat value, but the habitat has now been identified as an irreplaceable habitat in the

metric. As the woodland is retained and buffered this alteration make no material difference to the biodiversity net gain assessment.

- 5.85 The revised metric has adopted the local authorities' recommendations, reducing the 'distinctiveness' target for grassland enhancements in the eastern and central areas, and reducing condition immediately adjacent to major footpaths. In the larger homogeneous areas of grassland, where the influence of the informal recreational pressure will be reduced, the condition target has been maintained as good, albeit at a lower distinctiveness proposed habitat type. Whilst this follows the original submission, it is my view that these larger areas of grassland can achieve the five requisite condition criteria to achieve good quality other neutral grassland through enhancements and long-term management.
- 5.86 Accepting this slight change in the Statutory Metric, further off-site biodiversity compensation above and beyond those previously identified are necessary to demonstrate that the biodiversity objective is achieved. Here, the appellant has secured the relevant other neutral grassland habitat units, to achieve the basic 10% net gain requirement. For the scheme, the proposals have sought to over-provide other neutral grassland units by appropriately 5.2%, and these units will be provided in the Moreton Park Habitat Bank.
- 5.87 The Site will provide **111.16 habitat units**, this results in the loss of **34.35 habitat units**, equivalent of a **23.61% loss** in Biodiversity value. In addition to the habitat units onsite, the scheme has secured an additional **10.02 lowland meadow units** and **42.02 other neutral grassland units**. With the inclusion of these offsite units the scheme as a whole provides a net gain of **12.15%**, exceeding the minimum requirements of the biodiversity objective.
- 5.88 The first element of the hierarchy recommends that developments 'should' avoid adverse effects to habitats of medium, high and very high distinctiveness habitats but it does allow the application of mitigation where such effects cannot be avoided. From the submitted assessment, it is clear that whilst the proposals have sought to avoid effects to very high distinctiveness and medium distinctiveness habitats, some effects the these habitat types will occur.
- 5.89 Presently, the management required to secure the long-term protection of these is not currently being applied. Thus, without the security and intervention development can bring the longevity of these habitats on site is questionable. Given this, the proposals provide mitigation for the very high distinctiveness habitat (lowland meadow) within the site, and the proposals have avoided areas of the higher value other neutral grassland and provided mitigation for these habitats within the site has been maximised. This mitigation package has been designed to reduce the potential effects of the scheme. In my view, this approach does follow the overall requirements, and onsite mitigation has been provided to minimise the effects on these habitats.
- 5.90 The second element of the net gain hierarchy requires compensation to be provided in the order of enhancement / habitat creation on site, allocation of offsite gain and finally the use of statutory credits. The appeal proposals do provide on-site habitat creation / enhancement and the residual effects have been secured on an off-site registered habitat bank. Given this, it is the FPCR's submission that the appeal proposals do follow the order of provision set out in the hierarchy.
- 5.91 In summary, the updated biodiversity net gain assessment has demonstrated that following the implementation of the mitigation / compensation, the proposals do not result in adverse effects to biodiversity rather, the qualitative assessment confirms a net gain to biodiversity will be provided.

6. Planning Balance and Conclusions

- 6.1 The Appeal proposals seek to deliver new residential development on land to the south of Longsight Road, Langho. A site which lies adjacent to the settlement boundary of Langho as defined within the adopted RVCS.
- 6.2 Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The appellant will demonstrate that the proposal accords with the Development Plan and therefore in accordance with paragraph 11 c) of the revised Framework the appeal proposals should be approved without delay.
- 6.3 Should it be considered that the proposal does not accord with the development plan and the appeal proposals are considered to constitute a departure from certain policies of the development plan, the Appellant will also demonstrate that the policies of the adopted development plan most important to determining the appeal are out-of-date by virtue of the Council not being able to demonstrate a 5YHLS of deliverable housing sites and therefore must be accorded limited weight.
- 6.4 Planning permission was refused for 5 reasons in relation to principle of development, sustainability and accessibility, landscape harm, ecological harm and lack of detail in relation to a BNG strategy.
- 6.5 In refusing planning permission, the LPA concluded that the Council could demonstrate a 5 YHLS at that time, relying heavily upon factoring in past oversupply. This was introduced for the first time in the Council's monitoring report of housing delivery and deviates from the past approach to assessing 5YHLS. The reason for including oversupply at this case has never been satisfactorily explained other than to enable the Council to demonstrate a 5YHLS.
- 6.6 It is the Appellant's case that whilst lawful, there is no proper planning justification to do so and is running against the well-established national government position to seek to boost housing supply.
- 6.7 The Appellant has provided two scenarios in relation to housing supply on the basis of its assessment of supply which lead the Council to a 3.1 years (without oversupply) or 3.9 years with oversupply. Of course a 5 YHLS is not intended to represent a ceiling, it is the absolute minimum that needs to be demonstrated at all times and it is clear the Council fall woefully short whichever approach is accepted.
- 6.8 Key Statements H1 contains an out of date housing requirement and is therefore out of date when considering the Council's inability to demonstrate a 5YHLS of housing land. Under paragraph 11(d) of the Framework the 'tilted balance' is therefore engaged which for decision making of this Outline Planning Application means that planning permission should be approved unless it can be found that there are adverse impacts which would significantly and demonstrably outweigh the benefits of development.
- 6.9 The Appellant acknowledges conflict with development plan policy insofar as the site is not allocated for housing development and is located outside of the settlement boundary for Langho. The proposal conflicts with Policy DMG2 and DMH3, insofar as the appeal site is located beyond the settlement boundary of Langho and in the open countryside. That conflict relates to out of date policy however, and therefore should only be attributed limited weight in the planning balance (see *Basingstoke v Secretary of State* [2024] EWHC 1916 (Admin)).

- 6.10 The Appeal proposal represents sustainable development which is a view shared within the Council's own evidence base and the view of the local Highways Authority. Langho is a sustainable settlement and the Appeal site located so as to adequately access services and facilities in the village and local area. It should be a priority location for future growth as part of an updated development strategy. It is not the Appellant's case that there is harm to the spatial strategy for growth as contained within Policy DS1, however if that were not accepted then the weight to that conflict is diminishing in recognition the closer we are to the end of the RVCS plan period.
- 6.11 No other technical harm is apparent of a magnitude that would constitute an 'adverse impact' which cannot be adequately mitigated as has been outlined in the basis of the Appellant's case to the cited RfR's.
- 6.12 The failure of the housing land supply in numerical terms will also lead to the failure to adequately meet the need for affordable housing and those of older persons. Both identified as a priority for delivery by this Council and on the Council's own evidence the need for both is ever increasing. The Appeal proposals will provide significant benefits in favour of the development whilst conversely, the Council's position is to accept that these demonstrable needs will not be met within the Borough.
- 6.13 The appeal proposal will secure a range of planning benefits that will be demonstrated in full with evidence, these include inter alia:
- Up to 210 market dwellings to meet a pressing housing need
 - Up to 90 affordable homes on site
 - Up to 45 market/affordable over 55s dwellings on site
 - Provision of significant areas of high quality publicly accessible open space including amenity space and childrens play space
 - Provision of surface level car park to promote rail use
 - Off site highways improvements to allow better accessibility and pedestrian movement within and around Langho
 - Improvements to promote cycle use
 - A financial contribution towards bus service provision and enhancement
 - Significant areas of planting, green infrastructure provision and ecological enhancement areas and their future management
 - Off-site local habitat enhancement and overall BNG of 12.15%
 - Economic benefits and job creation including construction and operational benefits
 - Provision of large SUDs attenuation basins
 - New Homes Bonus
 - Additional local expenditure creation to support local services and economy
- 6.14 In conclusion any harm arising in respect of the appeal proposal would not outweigh the benefits of the development, never mind significantly or demonstrably so as set out in paragraph 11 (d) (ii) of the Framework. The planning balance is firmly in favour of the proposed development.
- 6.15 Subject to planning conditions and a s106 obligation to address matters set out in this Statement of Case planning permission should be granted.

7. Planning Conditions and S106 Obligations

Planning Conditions

- 7.1 The parties will work on planning conditions to be presented to an Inquiry which would be imposed should the Appeal be allowed.

S106 Agreement

- 7.2 A Section 106 Agreement with final agreed head of terms will be prepared to and presented to an Inquiry.

8. Procedure Choice

- 8.1 The 'Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals' published by the Planning Inspectorate in August 2024 specifies the criteria which will be used to determine the appropriate method for determining a planning appeal.
- 8.2 With regards an Inquiry, the guidance suggest it may be appropriate where:
- *there is a clearly explained need for the evidence to be tested through formal questioning by an advocate (This does not preclude an appellant representing themselves as an advocate)*
 - *the issues are complex (For example where large amounts of highly technical data are likely to be provided in evidence)*
 - *the appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing (where the proposal has generated significant local interest a hearing or inquiry may need to be considered. In such circumstances the local planning authority should indicate which procedure it considers would be most appropriate taking account of the number of people likely to attend and participate at the event. We will take that advice into account in reaching the decision as to the appropriate procedure)*
 - *in an enforcement appeal, evidence needs to be given on oath (For example where witnesses are giving factual evidence about how long the alleged unauthorised use has been taking place)*
 - *in an enforcement appeal, the alleged breach, or the requirements of the notice, are unusual and particularly contentious.*
- 8.3 Having full regard to these criteria, the Appellant request that the appeal be dealt with by public inquiry. We would expect this to sit for approximately 7 days.
- 8.4 The appeal raises complex issues in relation to:
1. Compliance with relevant planning policies
 2. Housing land supply matters
 3. Affordable housing need
 4. Harm to landscape character and views
 5. Highways and accessibility
 6. Ecological and BNG matters
- 8.5 Subject to any matters that may be resolved in advance of the hearing of this appeal, the Appellants expect to call 5 expert witnesses, however we reserve the right to call further witnesses depending upon the evidence that is also provided by third parties.
- 8.6 These matters require presentation of detailed evidence by expert witnesses and this evidence tested and subject of cross examination by Counsel. Additionally the application has been subject of significant amount of local interest and it is expected there will be representations made from local residents as well as interested parties.

APPENDICES

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party. Any such party relies on this report at their own risk.

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