

**APPEAL BY HALLAM LAND MANAGEMENT  
LAND SOUTH OF LONGSIGHT ROAD, LANGHO**

**OPENING SUBMISSIONS ON BEHALF OF THE APPELLANT**

Introduction

1. This appeal is made by Hallam Land Management (“the Appellant”, “Hallam”) against the decision of Ribble Borough Valley Council as LPA (“the Council”) to refuse outline planning permission for: *“up to 300 residential dwellings, associated access, rail station car park, green infrastructure and sustainable drainage systems (all matters reserved except for access to the site)”* (“the Appeal Scheme”). The intention is to create a new residential neighbourhood set within a high-quality green infrastructure framework.
2. The Appeal Site (“the Site”) is a 20.01 hectare agricultural field on the northern edge of Langho bounded by a railway line to the south and the A59 (Longsight Road) to the north, and a recently constructed housing estate to the East (‘the Pringle Homes Site’). The Site is well connected, adjacent to the built-up area and has strong transport links including adjacency to a railway station. Langho is a Tier 1 village, meaning it is one of the most sustainable settlements in the Borough and a recognised location for growth. It is (unsurprisingly) common ground that the policy looks to focus additional development towards Tier 1 settlements such as Langho.

3. The Appeal scheme is promoted at a time when there is a national housing crisis. It is (now) agreed that the LPA do not have a 5YHLS<sup>1</sup>. It is the Appellant's case that the appeal proposals, *judged properly*, comply with the development plan, taken as a whole, and therefore benefits from the dual presumptions provided by s.38(6) of the 2004 Act, and the policy presumption of NPPF §11(c).
4. If the contrary conclusion were to be reached, i.e. that there was some tension with the development plan taken as a whole, then the Appellant's case is that the presumption in favour of sustainable development ("PFSD") in NPPF Para 11(d) would be engaged (and not disengaged) because of the Council's demonstrably poor housing land supply (both general and affordable).
5. It is agreed between the parties that the Council cannot demonstrate a 5 year housing land supply. The actual level of supply is disputed, but on either party's case, there is a significant shortfall in the Borough ranging between 3.04 years to 3.45 years supply – a real world, immediate shortfall of between 503 to 638 dwellings. The consequence of that supply position is that it is common ground that Key Statement H1 and Policies DMG2 and DMH3 are out of date.

### The Appeal Scheme

6. Subsequent to the scheme being refused, the Appellant has identified improvements which can be made to the illustrative material before the decision maker and has therefore proposed some minor modifications to the illustrative green infrastructure. The existing public footpath that runs through the site would pass through land which would adjoin areas of housing. The configuration of the hard landscaping of this area, including access road and driveways, has been adjusted to create a wider landscape corridor in order in order to accommodate the existing footpath alignment. Following further discussion between ecologists, the parameter plans, illustrative masterplan and landscape masterplan have been pre-emptively amended to remove the footpath depicted on the Ancient Woodland boundary so that the Council's concerns about recreational pressures on the Ancient Woodland can be addressed through the imposition of a buffer. These plans can now be treated as the Appeal Scheme plans with other plans superseded or a condition can be imposed

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<sup>1</sup> See CD7.11 - Land at The Hill, Littlebourne (Appeal Ref: APP/J2210/W/25/3373183) in which

requiring that there shall be no footpath within the 15m buffer zone. The northern boundary of the site has been strengthened and is now proposed to accommodate a tree belt running along its northern boundaries thereby leaving the balancing pond areas in broadly the same locations.

7. The changes result in no changes to parameter plans to be conditioned<sup>2</sup> nor do they materially change the Appeal Scheme (particularly given landscape is a reserved matter). The LPA have confirmed that there is no objection to the appeal considering these revisions and it was confirmed at the CMC that this was acceptable<sup>3</sup>.

#### Identification of Benefits/ Harms

8. This is a scheme with significant benefits in its favour:
  - a) Provision of up to 210 much needed market houses in the context of a housing delivery problem (substantial weight);
  - b) Provision of up to 90 much needed affordable houses in the context of a housing delivery problem (substantial weight)<sup>4</sup>;
  - c) Provision of up to 45 market/affordable older persons houses (substantial weight)<sup>5</sup>;
  - d) Surface level car park (significant weight);
  - e) Public Open Space (significant weight);

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<sup>2</sup> There are slight changes to two informative plans, as set out in section 3 of the SoCG (the Landscape Masterplan and Illustrative Masterplan).

<sup>3</sup> Following discussions between the ecologists last week GMEU have asked for the indicative route of a footpath to be removed from the buffer planting on the edge of the ancient woodland. The Appellant is happy to comply with that request and whilst this could have been the subject of a condition, the neater solution is an amendment to the plans which have now been prepared and circulated.

<sup>4</sup> Mr Stacey has provided a dedicated proof of evidence on affordability in Ribble Valley. He finds that this position is acute and worsening. By way of example, identified affordable housing needs have risen dramatically over the Plan period, from 88dpa to 230dpa – a 261% increase.

<sup>5</sup> Dedicated evidence on this issue is presented in the form of a report from Tetlow King, See MS PoE Appx 2.

- f) Biodiversity Net Gain and Ecological Management (moderate weight);
  - g) Off-site highways improvement (moderate weight);
  - h) Economic benefits (moderate weight).
9. Some harm is inevitable, where an edge of settlement parcel of greenfield land is proposed to be developed and this is properly acknowledged in the evidence of Mr Saunders: harm from policy conflict with DMH3 and DMG2 on open countryside (limited negative weight); landscape and visual harm (moderate negative weight); and ecological harm in the form of translocation of lowland meadow (very limited weight).

#### Reasons for Refusal

10. The LPA gave five reasons for refusal at the time of the refusal decision. The LPA now concede that they cannot demonstrate a five year housing land supply, the consequence of which is that reason for refusal 1 is no longer to be defended. The SoCG now covers housing matters as a topic.
11. In relation to reason for refusal 4, which addressed protected species, the Appellant has submitted further surveys addressing this issue. It is understood that this reason for refusal is maintained by the Council on a limited basis: the argument now presented by the Council is that the Appellant should have avoided the lowland meadow entirely. The Appellant's position is that this is simply unrealistic and unreasonable. The 'do nothing' option would result in the total loss of lowland meadow in time (as set out further below).
12. The remaining reasons for refusal, relate to accessibility, landscape and ecology and are as follows:

*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.*

*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).*

13. The main issues were clarified at the CMC to be as follows:

- i. The proposed development's effect on the character and appearance of the area;
- ii. Its effect on sustainable modes and patterns of transport;
- iii. Its effects on biodiversity, including in terms of Biodiversity Net Gain; and
- iv. Whether any harm that might result from the development would be outweighed by other considerations, including housing land supply.

### Basics

14. It should not be necessary to point out any of these preliminary points:

- (a) This is a proposal for Outline Permission with only one element of detail for determination at this point (means of access into the Site);
- (b) There is a national policy imperative to make efficient use of land – if not permission ought to be refused (NPPF §130(c));

- (c) The role of all of the professions ought to be finding a way to facilitate and not frustrate housing delivery in the context of local and national housing need<sup>6</sup>; and
- (d) The planning process is not about delivering a scheme immune from criticism or entirely without harm. There will always be a final judgment on the balance of issues, ordinarily called the planning balance.

### Main Issue 1: Character and Appearance

15. The Site is not covered by any statutory designations for character or quality comprising arable land with no particular landscape value and has semi urban characteristics noting its location and surroundings. It is self-evidently well related to the existing settlement, being bounded by transport infrastructure and existing housing. The Site is undulating lowland farmland of medium value, susceptibility and sensitivity. It is acknowledged that under the Appeal Scheme there is a high magnitude of change across the Site itself with a consequent major adverse effect to the Site. However, there is a negligible adverse effect beyond the immediate environs of the Site.
16. The evidence of Mr Cook provides a full assessment of the appeal proposals in relation to potential harms to landscape elements, character as well as views and amenity. The Appeal Scheme will inevitably give rise to some harm, this is isolated in terms of how the site is experienced in a highly localised way in part as a result of the proposed mitigation. The Site has a limited visual envelope and is and highly localised due to topography, tree cover and built form. Other harms or impacts are largely negligible owing to its self-contained nature and lack of public viewpoints. For example, viewing opportunities from the countryside to the north are effectively limited to the A59, views from the countryside to the east are effectively limited to the adjacent residential area, views from the countryside to the south effectively limited to the railway line and views from the countryside to the west effectively limited to Whitehalgh Lane. The Appeal Scheme benefits from scheme benefits from a high degree of physical and visual containment.

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<sup>6</sup> This is a particular application of article 29(2) of the Town and Country Planning (General Development)(England) Order 2015, which provides: “...in dealing with the application, the local planning authority [are required to certify that they] have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.”

17. The Appeal Scheme would introduce a high-quality residential built environment which would be in keeping with the local settlement and character area and therefore, is not at odds or out of character or appearance.
18. However, adopting a precautionary approach the proposals would result in an overall adverse effect in landscape character terms. The proposal would accommodate significant new green infrastructure which would replace several pastoral fields and again change the character of the site to be more representative of the local landscape character area and therefore would result in some beneficial effects at the site level.
19. Overall, the evidence of Mr Cook is that there is no substantive reason to refuse planning permission on landscape or visual amenity grounds. If this was the only issue of concern to the Council, it seems doubtful that the application would ever have been refused on this basis.

#### Main Issue 2: Sustainable Modes and Patterns of Transport

20. The proposals provide safe and suitable access for all modes of travel.
21. The site designation as being in a comparatively rural location means that reduced opportunities for sustainable accessibility should be considered when planning decisions are made, when compared to more urban settings. As rural sites go – the Site’s credentials are pretty good, the site is adjacent to a settlement with good accessibility. The proposals enhance that existing context and offer good accessibility both on site, connecting to adjacent networks and via sustainable travel modes to a significant number of facilities, services and towns.
22. The Site is well located to take advantage of Langho’s sustainability credentials, including its accessibility to local services, facilities, and public transport. The Council has, in other instances, considered sites with comparable or lesser attributes to be sustainable; to suggest otherwise in this case is therefore inconsistent and not supported by the available evidence.

23. The proposals will not have any significant traffic impacts on the local highway network and the residual cumulative impacts on the road network will not be severe. Residents of the development will not be reliant upon the unsustainable private car.
24. The transport and highways aspects of the proposals support sustainable development and promote and prioritise sustainable travel. Living on a site where one can readily travel by train to Clitheroe, Bolton, Blackburn and even Manchester, or by bus to the employment areas close to Clitheroe, the Lancashire Enterprise Zone and even Preston – means that it offers a real opportunity for non-car use. Indeed, the proposed car parking for station users actively encourages the use of the station for those who presently live nearby but are actively discouraged from choosing to travel by train (eg the residents of Brockholes 1km to the immediate north of the Site).
25. The proposals will comply with local and national policy and guidance. The proposals comply with the NPPF draft consultation. In terms of the main issue within the Inspectors CMC summary note, the proposals will have a positive and beneficial effect on sustainable modes and patterns of transport.

### Main Issue 3: Ecology and Biodiversity

26. As noted above, further dialogue regarding ecology and biodiversity has reduced the issues in contention considerably.
27. There are now understood to be two live issues to be covered in the ecology roundtable session.
28. The first issue is whether the requirements of the mitigation hierarchy at 193(a) of the NPPF have been followed with respect to the lowland meadow. The Appellant contends that the mitigation hierarchy has been adhered to and that translocation would form an acceptable form of mitigation but a condition requiring agreement to a translocation strategy should be applied<sup>7</sup>. Given the poor nature of the Lowland Meadow and the potential risk of retaining the grassland in an urban setting, the optimal solution in this case is the translocation of the grassland outside the proposed

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<sup>7</sup> The Council is now understood to accept a condition requiring translocation would be acceptable providing the decision maker decide that the planning case for development over the lowland meadow was acceptable.

development area and the application of a 30-year Habitat Management and Monitoring Plan (HMMP).

29. The need to translocate a small area of lowland meadow which is currently located within the development footprint represents the only element of ecological harm arising from the proposal to which any negative weight may be attributed. However, this impact must be considered in context. Evidence provided by Mr Goodman demonstrates that the affected meadow is presently in poor condition and experiencing managed decline due to intensive grazing practices on site. He further highlights the opportunity for broader ecological enhancement, with biodiversity net gains achievable for lowland meadow habitats both on site within a more appropriately managed area and across the Borough through a strategic habitat bank.
30. The development will directly enable an improved management regime, benefiting the Ancient Woodland at Green Nook Wood as well as the on-site lowland meadow, where various pressures and risks of ongoing degradation have been identified.
31. The second issue is whether, with respect to BNG, the Appellant has followed the mitigation hierarchy at 008 BNG PPG. The Appellant has set out a robust and coherent biodiversity net gain strategy which does correctly apply the mitigation hierarchy. The development proposals require the provision of mitigation within the site and the provision of offsite compensation at a strategic level habitat bank identified in the LNRS. Through these onsite and offsite provisions, the updated metric submitted to this appeal confirms a net gain in habitat units equivalent to 12.15%. In terms of hedgerows, the scheme provides a net gain of 24.37% and an uplift of 13.3% in watercourse units. The proposals accord with both the requirements of the NPPF, local planning policy, and Part 6 of the Environment Act.
32. It is understood that issues pertaining to ancient woodland are now addressed.

#### Main Issue 4: The Balance of Issues

33. Mr Saunders has completed a full review of the appeal proposals against development plan policies, he concludes that there is accordance with the development plan read as a whole,

notwithstanding the fact that the tilted balance applies in this case by virtue of NPPF and Key Statement DS2.

34. It is common ground that Key Statement H1 and Policies DMG2 and DMH3 are out of date. However, Key Statement DS1 is not necessarily out of date. In Mr Saunder's view it continues to provide the most appropriate framework for guiding the spatial distribution of development within the Borough and for promoting sustainable patterns of growth. Evidence indicates that the policy has operated effectively throughout the plan period, and the proposals do not undermine its underlying objectives.
35. Although Key Statement DS1 was not cited in relation to RfR2, it is clearly concerned with sustainable development and the distribution of growth. It is also common ground that the policy seeks to focus development towards Tier 1 settlements such as Langho, and that Langho is among the more sustainable settlements within the development plan strategy. Mr Blair's evidence demonstrates that this position is well founded. This conclusion has also been accepted over a prolonged period by the Highways Authority and is reflected in the Council's own evidence base.
36. The Appellant's case is that the appeal site and proposed development are both sustainable and accessible, representing one of the most suitable locations in the Borough to accommodate additional housing, particularly in the context of an acknowledged and pressing need to boost supply. This assessment of Langho's sustainability is shared by Lancashire County Council Highways in its role as statutory consultee, as well as by the Council's own evidence base underpinning both the current and emerging plan.
37. Given the site's location, the benefits associated with the proposed development and the Appeal Scheme's performance against local plan policy, the proposed development clearly constitutes 'sustainable development' and delivers on all three strands of economic, social and environmental objectives.

### Other Matters

38. Mr Saunders also addresses third party representations in detail in Appendix 4 of his proof. Responses covered the topics of scale, layout & design, highways safety and impact, pedestrian connectivity, ecology, landscape and visual impact, impact on the Green Belt, air quality, and the additional pressure on local services. All of these matters are responded to through the Appellant's evidence. None of the issues raised amount to a reason to refuse planning permission.

### Conclusion

39. In conclusion, the Appeal Scheme is plainly acceptable in planning terms. Outline planning permission should have been granted. The balance (whether ordinary or 'tilted') is overwhelmingly in favour of granting consent for this sustainable scheme and it is firmly submitted that this should be the outcome of this appeal. In favour of the appeal are the significant public benefits which significantly and demonstrably outweigh any harm asserted by other parties. The scheme complies with the development plan and should be approved without delay so that the Site can deliver much needed housing.

*Paul G Tucker KC  
Constanze Bell*

28<sup>th</sup> April 2026

KINGS CHAMBERS  
MANCHESTER – BIRMINGHAM – LEEDS