

**LAND OFF LONGSIGHT ROAD, LANGHO BOUNDED BY THE RAILWAY,
NORTHCOTE PARK AND WILDMANS FARM**

APPEAL BY HALLAM LAND MANAGEMENT LTD

PINS REF: 6002484

LPA REF: 3/2025/0196

**CLOSING SUBMISSIONS ON BEHALF OF
THE LOCAL PLANNING AUTHORITY**

Introduction

1. At the heart of this appeal are foundational matters concerning the sustainability of a Site physically and functionally separated from Langho; the acceptability of significant landscape and visual impacts arising from such a large scale Development that it ought to be understood as an extension of the village; and whether the Appellant has even attempted to avoid adversely impacting priority habitat of high biodiversity value. Whilst the Council recognises that the scheme of course has benefits, especially in the context of a lack of 5 year housing land supply (“5YHLS”), the matters in dispute are fundamental and on any one of the Council’s reasons for refusal (“RfR”) permission should be refused. They are each of the type expressly deprecated by national and local policy and for the reasons that follow it is the Council’s firm position that the appeal should therefore be dismissed.
2. The appeal is made by Hallam Land Management Ltd (“the Appellant”) against the decision of Ribble Valley Borough Council (“the Council”) to refuse outline planning permission for ‘*Up to 300 residential dwellings associated access, railway station car park, green infrastructure and sustainable drainage systems (all matters reserved except for access)*’ (“the Development”) at Land off Longsight Road, Langho, bounded by the railway, Northcote Park and Wildmans Farm (“the Site”).

3. The appeal proposal was considered by the Council's Planning & Development Committee on 26th June 2025, where members resolved to refuse the application in line with the officer's recommendations for the reasons set out in the Decision Notice dated 27th June 2025.¹
4. The main issues in this appeal as set out in the Inspector's post-CMC note² neatly capture those reasons³ and are as follows:
 - a. The proposed development's effect on the character and appearance of the area;
 - b. Its effect on sustainable modes and patterns of transport;
 - c. Its effect on biodiversity, including in terms of Biodiversity Net Gain; and,
 - d. Whether any harm that might result from the development would be outweighed by other considerations, including housing land supply.
5. A summary of the Council's position in relation to each is taken in turn below.

Landscape character and visual amenity

6. The Site comprises five agricultural fields currently laid out to pasture. Whilst it is on the periphery of Langho village, to the south, it is segregated by the railway line, which is otherwise a defining boundary of the village. The Site is in the open countryside in both policy and real world terms.
7. It is helpful to start with the striking degree of similarity between Mr Taylor's conclusions on landscape and visual impacts, and those set out in the Appellant's own LVIA,⁴ as summarised in Mr Taylor's Appendix 3 comparison table. Mr Cook's assessment, however, appears to depart from the LVIA conclusions (the LVIA having been prepared by his own company) on the basis of 'professional judgement'. The key difference between Mr Taylor and Mr Cook appears to be the landscape character impact on the LCA and Langho Settlement.

¹ CD3.3

² CD8.2

³ The Inspector's post-CMC note also correctly identifies that the Council confirmed in its Statement of Case that it was no longer pursuing RfR1 in light of its housing land supply position. The main issues thus reflect RfR2-5 which are still being defended.

⁴ CD1.13

8. Mr Taylor explained in the RTS that the landscape description of the LCAs have many aspects that are familiar with regards to the Site and its setting, including the Ribble valley setting, the grazing pasture farmland with trees and woodland, hedgerows over stone walls as boundaries, as well as settled but rural valley and historic roads and buildings. The local forces for change highlight the decline in hedgerow and parkland trees. The scheme will remove hedgerow lengths and will see the removal of 10 trees. The Development would result in a notable loss of open pasture land as well as visual amenity, especially for users of the public right of way (“PROW”) running across the Site. The Development would also result in a loss of trees and hedgerows, and a fundamental shift in character for those that remain from an open pastoral setting to an urban context (referred to by the Appellant as landscape elements that would instead result in beneficial effects). The scale of the Development against the existing settlement of Langho would be disproportionate, adding a 30% increase in urban volume and degrading the village’s characteristics as a small settlement within the LCA. Whilst new planting and landscaping is proposed it will take many years to reach maturity and will only mitigate the effect to an extent. As such, Mr Taylor assesses the change as medium for LCA5e and high for the Site and its immediate surroundings. As such, he concludes that the landscape effects are moderate adverse for LCA5e and moderate-substantial adverse for the Site and its immediate surroundings. Whilst Mr Cook corrected his conclusion from moderate to major (adverse)⁵, he concludes a negligible impact beyond the immediate visual environs of the Site across the wider LCA. However, as Mr Taylor explained in the RTS, that fails to reflect that the scheme will result in a 20 ha change within the LCA from grassland to built form. Indeed, on Mr Cook’s approach once could incrementally continue developing large swathes of the LCA simply because it already contains built form. That approach cannot be right.
9. Mr Taylor also explained how the Development will result in a moderate-substantial adverse impact on the settlement of Langho. The Appellant has raised criticism in respect of the Council alleging conflict with Policy DME2 throughout the inquiry, yet it was expressly cited in the Council’s RfR and Mr Taylor’s view on the same was set out in detail in his proof of evidence. The Appellant has had ample opportunity to address the matters raised. The Appellant cannot rely on their own decision not to submit a landscape rebuttal addressing it to raise a procedural point now. As Mr Taylor explained, the change to the

⁵ Andrew Cook POE §4.17 (CD9.2)

settlement and its character would be marked by a physical and rapid expansion beyond any historic or organic growth in the village's history. The change will be marked through the visual change and loss of views, most importantly from the rail gateway into the village, that offers a panoramic and distinctive backdrop of the Trough of Bowland within the National Landscape and upland fells, and through the visual quality of the approaches along the A59 and the existing open, pastoral landscape with parkland like trees and woodland that forms the historic edge to the village to the north. The change will be urban in character (as the existing settlement) but the location, design, arrangement of development, and the potential for movement and permeability are assessed as poor and will not integrate well into the existing village framework and urban grain. As such, the impact on the settlement character is assessed as moderate-substantial adverse.

10. Turning to visual impacts, Mr Taylor sets out that there would be moderate and major adverse impact on users of the PROW as well as moderate-substantial adverse impacts on A59 users. In practice, again, such conclusions align with that of the Appellant, both in the LVIA and indeed in Mr Cook's proof.
11. To be clear, even on the Appellant's own case, significant adverse landscape and visual impacts would arise from the proposed Development. Mr Saunders' application of Mr Cook's conclusions was that the result was not policy conflict, but that moderate weight should nonetheless be attributed to landscape and visual harm in the overall planning balance. Mr Saunders cited the Littlebourne appeal decision⁶ to reach that conclusion, but it is unclear how that assists him. What is said is that policy conflict arises if the proposals amount to a 'significant adverse effect'. However, in XX, he explained that rather than taking 'significant' to mean moderate adverse impacts or greater, which is the approach landscape consultants would take as explained by Mr Taylor and which generally mirrors the approach taken in the context of EIA development, Mr Saunders would form his own view as to whether taken in the round the effects were significant. With respect, that approach is illogical because the landscape and visual impacts will always sit within a certain scope, but more importantly it is inconsistent with his own witness' conclusions that significant adverse landscape and visual impacts arise from the Development. It is also inconsistent with the fact that Mr Saunders accepted in XX that Mr Taylor's conclusions would lead to policy conflict but not Mr Cook's – notwithstanding that they both conclude

⁶ CD7.11

significant adverse impacts, just to varying extents. And, in any event, it should also be noted that Policy LB4 applied in the Littlebourne decision expressly referred to ‘significant’ effects, which is not contained within policies DMG1, DMG2 or DME2 either.

12. As such, on either party’s case policy conflict arises. The scheme is not “*sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials*” as required by DMG1.2. Nor is it in keeping with the character of the landscape as required by DMG2. The Appellant’s attempt to suggest that DMG2.1 is engaged because the scheme would be an expansion of a Tier 1 village misconstrues the policy and would result in legal error. As clarified in the inquiry, the interpretation of DMG2 has been expressly considered by the High Court and development outside of the settlement boundary (*i.e.* not ‘in’ it) would not engage paragraph 1.⁷ DME2 governs landscape and townscape protection and criterion 7 expressly refers to townscape elements such as the scale, form, and materials that contribute to the characteristic townscapes of the area.
13. Accordingly, the Council considers that the scheme conflicts with Core Strategy Policies DMG1, DMG2 and DME2 as well as §135 of the NPPF and that the significant adverse impacts on landscape character and visual amenity alone should result in the appeal being dismissed.

Sustainable modes and patterns of transport

14. Sustainability is a golden thread that runs through national and local policy. NPPF §110 states 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...*” The scale of development is expressly referenced and it is clear that the proposed scheme is significant in size in a multitude of ways. In addition, to offer a *genuine* choice, the quality of proposed travel routes must be sufficient. When assessing qualitative aspects, it should be firmly borne in mind that national policy also requires that safe and suitable access to the site can be achieved for *all users*,⁸ and that development should give priority first to pedestrian and cycle movements and second, so far as possible, to facilitating access to *high quality* public

⁷ *Ribble Valley Borough Council v (1) SSHCLG (2) Oakmere Homes (NW) Limited* (Case No: CO/4685/2020)

⁸ NPPF §115(b)

transport, address the needs of people with disability and reduced mobility in relation to *all* modes of transport, and minimise the scope for conflicts between pedestrians, cyclists and vehicles.⁹

15. To this extent, Core Strategy Key Statement DMI2 states that” “*New development should be located to minimise the need to travel. Also it should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for travel by private car.*”¹⁰ That very much reflects national policy, and as Mr Blair agreed in XX, the sustainable transport hierarchy. The point repeatedly made in Mr Blair’s proof about the private car not necessarily being an unsustainable mode of transport is, with respect, a non-starter. It a point of agreement that not *all* private car use is unsustainable, given the NPPF glossary definition of sustainable transport modes includes ULEZ, ZEV and car sharing.¹¹ However, the majority of private car use does not fall within the definition and is therefore patently unsustainable – a point which is well understood not just by transport planners but by the population at large. It is therefore entirely right that both local and national policies seek to reduce reliance on the private car and encourage a genuine choice of sustainable transport modes. Indeed, a scheme which does not adequately reduce the need to travel by private car must be in conflict with Key Statement DMI2, a point Mr Blair eventually agreed in XX. Similarly, the generic points relied on by Mr Blair in an attempt to oversimplify the Council’s RfR are best described as clutching at straws;¹² whilst it is true that some car use may be sustainable that does not act as a get out jail free card – spatial planning still requires development to be in sustainable locations, and the provision of EV chargers (required for any new development by the Building Regs) and the increased provision of online services and working from home, do not provide a *carte blanche* to locate development wherever a developer fancies.

16. Policy DMG3 is also important. It states that considerable weight will be attached to a number of criteria. It is a matter of agreement between the parties that can mean positive or negative considerable weight. The criteria that follow reflect the overarching aim of the policy to provide *suitably available and adequate* public transport and associated infrastructure.

⁹ NPPF §117(a)-(c)

¹⁰ CD5.1

¹¹ NPPF Annex 2, glossary definition of ‘Sustainable transport modes’

¹² Peter Blair POE, §4.3.5 (CD9.7)

Again, those are qualitative matters. Indeed, the bar is high because criteria 3 and 4 talk not just of accessibility but a requirement to be “*highly accessible*”.

17. It is also helpful to deal very briefly with draft policy. Mr Saunders agreed in XX that the NPPF draft consultation should not be afforded any weight. On that basis it is not strictly necessary to explore it further, but it is worth highlighting that Mr Blair’s reliance on it to suggest that “*proximity to rail services is a factor which permits the granting of planning approval for sites outside settlement boundaries*”¹³ would not actually apply to Langho as it is not a top 60 travel to work area.¹⁴

18. Equally, there was some discussion surrounding the DfT Connectivity Tool referenced by the draft NPPF. It is important to emphasise that the tool was introduced by the Appellant with a view to presenting the Site’s score of 50 as an ‘average’. In fact, as Mr Carter explained, that is not correct and the Site is in the 20th percentile. The subsequent methodology note jointly prepared by Mr Carter and Mr Blair explains that result means the Site has a level of connectivity better than that enjoyed by only c.20% of the population of England and Wales.¹⁵ Far from supporting the Appellant’s case, it positively supports the Council’s position that the Site is not sustainable. But, in any event, the relevant guidance is clear that the Connectivity Tool “*does not currently take into account the quality of walking, cycling or public transport routes. This includes aspects such as footway presence, footway width, surface type, and lighting. The outputs of the score therefore should always be contextually appraised using local knowledge / evidence and having regard to other material considerations*” and that “*the score is worked out for people as a whole, not for individual users. It doesn’t reflect how one specific person might use the transport network differently from most people (for example, if they can only walk a much shorter distance). It also doesn’t take into account the particular mix of ages or other characteristics of people living in the area you’re looking at.*”¹⁶ In short, the Connectivity Tool result at a high level actually supports Mr Carter’s view, rather than Mr Blair’s, but in any event a robust Site-specific assessment is required.

19. When assessing policy compliance, as Mr Carter explained the correct approach is to consider the acceptability of the proposals post improvements. In other words, the

¹³ Ibid, §4.4.24

¹⁴ Ibid, Appendix 6

¹⁵ ID13

¹⁶ CD6.30

combination of the baseline with the improvements proposed as part of the scheme. One might be forgiven for reading Mr Blair's proof and thinking that the Appellant's approach was simply to repeatedly rely on the sustainable travel improvements alone to conclude that there was policy compliance, without properly weighing the qualitative deficiencies of the routes (both pedestrian/ cycling and public transport options) relied on.

20. Turning then to Langho itself. Langho is classed as a Tier 1 Village in the Council's Core Strategy through Key Statement DS1. There is however some disagreement in respect of the extent to which Key Statement DS1 is up to date. Mr Saunders' view is that it is not necessarily out of date for the reasons set out in his proof. However, whilst Ms Hughes explained that she agreed the high level strategy of directing development to more sustainable areas is not necessarily out of date, the settlement boundaries are out of date (a matter which seems to be agreed), as is the settlement hierarchy itself which is based on more than a decade old evidence base.¹⁷ Where that gap may on the face of it be filled by the 2025 Draft Settlement Study,¹⁸ Ms Hughes explained that its methodology has been questioned by the Council such that it is undertaking a full scale review and should be afforded no weight. Whilst the settlement profiles may still be accurate to an extent (as set out below they should not be accepted in full because it is not clear whether references to businesses for example are employers or also includes small companies that have been merely registered locally), there is no evidence base to confirm whether the DS1 settlement hierarchy is up to or out of date. As such, when assessing whether Langho is a sustainable settlement for the purposes of the scheme the services and facilities that are actually there now must be considered. Relying on previous assessments that do not reflect the current situation (*i.e.* the outdated 2014 evidence base) would obviously be wrong.

21. Mr Carter's evidence refers to national travel survey data to explain the split between trip purposes. What that shows is that commuting and business trips represent a fifth to a quarter of all trips in the peak period; education over half of all trips between 8-9am; shopping a fifth over the whole day; and additional leisure, work and personal business trips half of all trips across the day.¹⁹ However, whilst Langho appears to provide (perhaps too) well for hair and beauty, it is otherwise extremely limited. It has a Spar, suitable for day to day but not weekly shops; a pharmacy, but no GP surgery; no dentist; and a hotel

¹⁷ CD5.24

¹⁸ CD15.15-16

¹⁹ Chris Carter POE, §4.2-4.3 (CD10.8)

and restaurant on the A59. Whilst it offers two primary schools, it no longer has a nursery and the closest secondary school is in Billingham, 2.8km east of the Site. The Appellant's own Transport Assessment does not refer to any employment opportunities within Langho²⁰ and whilst the Mr Saunders attempted to rely on the Draft Settlement Study Profiles²¹ to point to Langho's apparent 51 businesses in EIC, as Ms Hughes explained that study is being entirely reconsidered as it is not even clear whether those businesses are employers or simply registered businesses that might be individuals working from home. In practice, residents would have to travel further afield for anything other than a convenience store and primary education, including for employment, leisure and supermarkets.

22. To reach services and facilities further afield the Appellant relies on public transport options. The overarching theme of the Mr Blair's EIC was that residents *could* get on a bus or a train. It is not disputed that residents *could* get public transport further afield, but that fundamentally fails to assess the quality of those options which in turn informs whether the choice is *genuine* and whether in real world terms it will attract residents not to use their private cars but to use more sustainable travel options.

23. Bus services are available on the A59 or on Whalley Road through Langho. Service 25 uses the A59 and is every 2 hours, as does service 280 which runs once an hour. Service 22 goes through Langho, on average every 30 minutes. Other buses are school specific and the little green bus is a volunteer bus run by a small charity in Clitheroe (*i.e.* it ought not to be specifically relied on). Properly described, they are all low frequency buses. That is important because not only would that reduce the likelihood of use, but as Mr Carter explains it also reduces the distance people are willing to walk for a lower value service. The Appellant's attempt in inquiry to rely on the provision of an app does little to make up for the frequency of buses. Users would still have to choose whether to be unnecessarily early or late in some instances for appointments elsewhere. Whilst the app might help them not to miss the bus, or tell them if it is late or cancelled, it does not address the more fundamental issue with the timetables.

²⁰ CD1.9, §2.2.1

²¹ CD5.16

24. Langho train station accommodates one train per hour in each direction between Clitheroe and Manchester. Access for all at the station is not possible given the steps. Whilst Community Rail Lancashire have looked at options for step free access there is no evidence it is coming forward anytime soon and as Mr Blair fairly concedes it is in the hands of Network Rail such that it is not relied on as part of the appeal. The scheme otherwise offers no improvements to either the barriers presented by the lack of provisions or accessibility at the rail station. That context is important both in respect of residents being able to use the train, but also in relation to the proposed car park. For example, blue badge holder spaces may not be particularly helpful if those with mobility issues cannot actually use the station. In addition, the station is understaffed, lacks ticket machines or toilets, has no CCTV, and has limited shelter. Mr Carter explains, referring to the 2011 and 2021 census, that the extent of train use in the area at 2% is very low and indeed evidence demonstrates that the usage is trending down at Langho railway station.²² That is in the context that that the census data area is mostly villages along the rail line. Whilst Mr Blair relies on the survey undertaken at his Appendix 4 to assess the car parking availability of other stations and Langho, there are obvious limitations with that evidence base. For example, the surveyor identifies a number of pedestrians walking to use the rail station but notes that it is not possible to tell whether they had originated from residential properties or parked on street further away from the station. As its highest, what they survey shows is that a few people parked up and used the train (the highest number of vehicles observed parking is 5). Accordingly, where Mr Blair asserts that the absence of parking is likely to be deterring railway use, as he accepted in XX, that conclusion is not actually supported by the evidence. Indeed, the survey did not address whether there might be people who want to use Langho station but cannot because of the parking conditions. As Mr Carter explains, there is no evidence to suggest that rail demand is being suppressed as a result of parking availability, in particular because there is already free parking at the station. We simply therefore do not know whether there is an unmet demand that would be unlocked by the provision of a car park. That is also because other factors may influence one's decision to use the train station, including fuel cost and congestion.²³ It is also important to note that many matters are yet to be secured including the design, maintenance, and management of the car park. Moreover, Mr Saunders reduces the weight to be attributed to the car park as a benefit in his evidence because it will not come forward until 75% of

²² Chris Carter POE, Table 4-2 and §5.38 (CD10.8)

²³ Chris Carter POE, §5.42 (CD10.8)

the dwellings have been occupied.²⁴ Accordingly, whilst the Council recognises that the provision of a train station car park is to some extent beneficial, there is no evidence to support to the Appellant's assertion that it is going to unlock some sort of suppressed demand which is not already being met by on street parking in the village. That obviously limits the extent to which it can be afforded positive weight in the planning balance too (a point returned to later on).

25. To reach the limited extent of Langho facilities from the Site the Appellant relies on three possible walking/ cycling routes.²⁵ The relevant applicable guidance, namely MfS,²⁶ the CIHT 'Providing for journeys on foot',²⁷ and 'Planning for Walking'²⁸ are summarised in Mr Carter's Table 5-1.²⁹ Whilst both Mr Carter and Mr Blair reference research,³⁰ they do not displace the applicable guidance. There are limitations to both and it is not clear whether the article referenced by Mr Blair has been peer reviewed, nor does it address the frequency of public transport services. Indeed, as Mr Blair agreed in XX, it is obviously correct that there are a number of factors which may influence the distance people are happy to walk. For example, they may walk further for a really good facility as opposed to a poor one; or for a public transport service that is more frequent (in case they miss it or because it allows them to get to a facility or service in a more time efficient manner, avoiding having to be an hour early or alternatively late for an appointment). The quality of the route is also important, and Mr Blair agreed that Mr Carter's factors are all relevant, including traffic volumes and speeds, personal safety, visibility, lighting, and mobility matters like gradients, steps and surfacing.³¹ Equally, LTN1/20 sets out that factors like the speed of traffic and whether the surface is shared or separate will affect how many cyclists feel comfortable using a route.³²

26. When properly assessed, the qualitative deficiencies in the pedestrian and cycle routes from the Site as relied on by the Appellant are clear. The orange route (route 1) might be the shortest route but it requires the use of steps and goes through the train station underpass

²⁴ Mark Saunders POE, §10.48 (CD9.1)

²⁵ Peter Blair POE, Appendix 8 (CD9.7)

²⁶ CD6.29

²⁷ CD6.24

²⁸ CD6.25

²⁹ CD10.8

³⁰ Peter Blair, Appendix 9 (CD9.7), CD6.26

³¹ Chris Carter POE, §5.4 (CD10.8)

³² CD6.27

which is inaccessible for those with reduced mobility. The underpass itself, with a low ceiling height and reduced visibility of what's on the other side may also present a personal safety barrier for some users. Personal safety as a factor in route choice should not be downplayed in decision making – it is paramount.

27. Whilst the green route (route 2), does not have steps, it is even more unlikely to be used by vulnerable users. From Whitehalgh Lane to Moorland Road it is enclosed with no natural surveillance, steep gradients in places, street lighting only at the residential section, and no dedicated footway or cycling facilities. The speed survey indicates that traffic volumes are over 1,000 a day such that, as Mr Carter explained, the route would not meet the requirement for a quiet lane designation. Moreover, whilst the speed reduction measures proposed by the Appellant would help to an extent to reduce the 32mph surveyed speed (at the 85th percentile), even if it was so effective that it lowered speeds closer to 20mph (albeit it is impossible to say how effective the speed reduction would be until it is implemented) (despite proposed 30mph speed limit) applying LTN1.20 Figure 4.1 the route would still fall within the orange category and “*not be suitable for all person and will exclude some potential users and/or have safety concerns*”. Equally, whatever the speeds reduced to, the speed limit would remain at national speed limit, reducing to 30mph only at the residential section, and therefore properly applying Figure 4.1 the orange category would certainly apply even if there is any doubt.
28. The blue route (route 3) provides the route with the fewest barriers in comparison but significantly increases distances to facilities. Even then, users may be deterred from having to cross the busy A59 twice. As Mr Blair accepted, crossing roads is a deterrent for some people, especially for vulnerable users.
29. But the quality of the routes cannot be taken in isolation. They must also be considered alongside the relevant distances users would travel to reach the limited services and facilities in Langho. Mr Carter's Table 5-2³³ makes clear that the only facility within desirable distance is the rail station but that requires using route 1 which is not accessible to all. Although the bus stop via route 3 is within a desirable distance, that is to service 25 which only goes every 2 hours. Whilst the Spar and St Mary's Primary school would be within preferred *maximum* distance on routes 1 and 2, they would not in practice be suitable

³³ CD10.8

for those with children given the deficiencies set out above. Whilst Mr Saunders referred to the Chalgrove Appeal Decision,³⁴ when considered in detail it does not assist the Appellant's case. In that decision, the Inspector found that the distances were greater than those set out in the CIHT guidance (at §20), and also concluded that there was policy conflict (at §27).

30. Comparing the Site with other decisions is generally of little assistance because the sustainability of sites vary significantly and are context specific. However, it should be noted that the Littlebourne site³⁵ is clearly distinguishable as it is “in very close proximity to bus stops”, with access to a regular, half hourly bus to Canterbury which took 15 minutes, and route concerns surrounded surfacing and footpath width compared to fundamental deficiencies as raised by Mr Carter in this appeal. Similarly, nor can much weight be placed on the fact that the Northcote Park scheme was granted permission some time ago. As Ms Hughes explained in evidence, there is a long planning history to that Site, it was determined under previous national policies and at a time where the services and facilities in Langho were different. Whatever is said about comparisons to other sites (including Northcote Park), ultimately, and when taken holistically, it is plain that the routes relied on are unattractive due to their distance and qualitative deficiencies such that residents will not be encouraged to rely on them as an alternative to the private car.
31. The result - the Site does not have good access by foot and cycle, nor does it offer a genuine choice of transport modes. Suitable access for *all users* is not delivered by the routes relied on. The public transport is of low frequency and access is restricted or reduced by a plethora of barriers such that it cannot be considered high quality. The scheme does not address the needs of people with disabilities and reduced mobility in relation to *all modes* of transport given those accessibility barriers and nor does it minimise scope for conflicts between pedestrians, cyclists and vehicles not least given Whitehalgh Lane is relied on. Ultimately, the sustainable transport options are poor quality and the deficiencies would not be remedied by the transport improvements. The scheme would not reduce the need to travel by private car and the Council's RfR stands. Indeed, what was particularly stark from the interested parties comments on day one was that Mr Carter's opinion of the quality of routes and public transport options very much reflects the real world deficiencies

³⁴ CD7.15

³⁵ CD7.14

already experienced by Langho residents on a day to day basis. Mr Heap described the underpass steps as unsuitable for those less mobile and Mr Collier described Whitehalgh Lane as “extremely dangerous”, the A59 as “lethal” and the Northcote Road footpath as “extremely narrow”.

32. As Mr Saunders accepted in XX, should the Inspector prefer the evidence of Mr Carter there would be conflict with Key Statement DMI2, Policy DMG3 and the NPPF. He agreed that Mr Carter’s analysis of policy conflict at Table 6-1³⁶ would apply if his evidence was preferred over Mr Blair. Accordingly, to grant consent would be to approve unsustainable development expressly in conflict with both local and national policy and on this basis alone the appeal should be dismissed.

Ecology

33. The matters of disagreement in relation to ecology were helpfully narrowed in the lead up to the inquiry commencing, as set out in the Addendum Ecology SoCG.³⁷ However, the key matters that remain in dispute are significant. Mr Richardson explained in the RTS that the proposed translocation of the lowland meadow on Site, a priority habitat, fails to accord with the mitigation hierarchy which advises avoidance of harm. For the same reasons, the BNG hierarchy has not been followed because the lowland meadow is a high value habitat and rather than avoiding harmful effects its proposed translocation involves inherent uncertainties and risks.

34. The evidence before the inquiry is, to put it kindly, limited. Mr Goodman simply relies on the requirements of the proposal and layout as set out by Mr Saunders³⁸ “to facilitate the site’s infrastructure”³⁹ which in turn self-servingly relies on making the most efficient use of the Site for residential development (*i.e.* delivering the greatest number of dwellings) in an attempt to demonstrate that translocation cannot be avoided.⁴⁰ The transport consultants have since agreed a note in respect of the loop road,⁴¹ however Mr Carter’s position is that while it is the optimal way of delivering highways access from a purely transport perspective, he considers that alternative ways of providing access are likely to

³⁶ CD10.8

³⁷ CD8.10

³⁸ Kurt Goodman POE, §11.56 (CD9.4)

³⁹ Ibid, §12.26

⁴⁰ Mark Saunders POE, §9.22 (CD9.1)

⁴¹ ID12

exist, subject to appropriate technical feasibility and masterplanning considerations. Accordingly, the Council's position remains that the Appellant has not demonstrated attempts to avoid impact to the lowland meadow. Even if the loop road was the only option, as Ms Hughes explained in EIC there is otherwise no evidence to show how the scheme more generally, either through the number of dwellings, siting of dwellings or masterplanning matters, considered avoidance of development where the lowland meadow is currently located. In some ways, that is not surprising because the Appellant only identified the lowland meadow on site subsequent to the RfR and Council's decision to refuse permission. That said, it is surprising that the Appellant has not provided evidence to demonstrate alternative options were considered once the priority habitat was identified. The absence of that important evidence can only lead to one conclusion – the Appellant has not followed the mitigation hierarchy. It has simply stuck to its original scheme notwithstanding the fact that a priority habitat has since been identified and now asks the Inspector to ignore the fact the mitigation hierarchy has not been followed by making clever arguments about policy interpretation. That cannot be right. NPPF §193(a) applies the hierarchy. To simply say that if adequate mitigation is provided it doesn't matter if avoidance as a first step was missed is to make a nonsense of the hierarchy which is actually set out. Similarly, the Appellant cannot argue that compliance with Key Statement EN4 and Policy DME3 is achieved on the basis that they do not contain the hierarchy. Either they must apply the hierarchy such that they are consistent with the NPPF, or if they do not, they must be given reduced weight as a result of inconsistency with national policy. All of these points also apply to the Biodiversity Gain Hierarchy which has similarly not been followed.

35. The Appellant has therefore not provided any meaningful evidence to show that alternative proposals which did not result in harm to the lowland meadow were considered. As such, conflict with the hierarchies remain and conflict arises with Key Statement EN4 and Policy DME3, as well as NPPF §193(a) and the Biodiversity Gain Hierarchy. As Ms Hughes explained, such conflict comprises a freestanding RfR. Consent cannot be granted where the scheme risks priority habitat through translocation which could have been entirely avoidable in the first place.

Planning balance

36. In order to assess whether there is compliance with the development plan taken as a whole it is helpful to first reiterate that the parties agree that the Core Strategy Key Statement DS1 and H1, and Policies DMG2(1) and DMH3 are out of date as a result of the Council's lack of 5YHLS. Otherwise, it is again agreed that all other relevant policies are up to date and should be afforded full weight.
37. Development plan conflict or compliance turns on the main issues, not least given Key Statement DS2 applies NPPF §11 (albeit it omits the relevant footnotes). It is the Council's case that the scheme conflicts with the development plan when taken as a whole given the fundamental policy conflicts set out above.
38. It is a matter of agreement between the parties that the Council does not have a 5YHLS. The minor difference between the 3.46 years accepted by the Council and the 3.04 years alleged by the Appellant is immaterial for the purpose of the appeal, albeit the Inspector is invited to review the relevant SoCG and Scott Schedule⁴² and determine the matter accordingly. Similarly, whilst the Council recognises that the Development would deliver other benefits (most notably affordable housing and older persons housing) a number of benefits are overstated and even then, the harms are independently significant.
39. Ms Hughes explained that her attribution of significant weight to market and affordable housing derives in part from the fact that the Site is unsustainable. Whilst she was alleged of double counting, in practice that approach actually aligns with Mr Stacey's who includes 'sustainable location' as a benefit leading to the conclusion that affordable housing should be attributed substantial weight. Ms Hughes also explained in the affordable housing RTS that the Council's affordable housing delivery has been good and has not fallen significantly short of the Core Strategy target. Moreover, given the different methodologies between the needs assessments, they cannot simply be compared as the Appellant has done so, and numerous factors, such as temporary accommodation, provide a snapshot in time but should not be overstated. Further detail in respect of specific disagreed matters (including numbers) are set out in the Affordable Housing Note subsequently prepared for the Inspector.⁴³

⁴² CD8.8-8.9

⁴³ ID14

40. In relation to older persons housing, Mr Saunder's attribution of substantial positive weight is derived from an assumption, as he clarified in oral evidence, that the scheme would deliver bungalows, that being the specific type of accommodation relied on to show such need. However, there is nothing in the s106 agreement that requires older persons housing to be bungalows. Whilst it may be an aspiration of the Appellant, and 1.5 storey dwellings secured by the parameter plans, in the absence of any mechanism to actually secure the same it cannot be given anything more than Ms Hughes' moderate weight. In addition, it should be noted that there is no specific target figure or evidence of need beyond aging trends and the policy seeking to deliver this type of housing.
41. Dealing briefly with other benefits, Mr Saunders' attribution of significant weight to the provision of open space is, as Ms Hughes explained, erroneously premised on the assumption that it will be used by the wider community. In fact, that fails to reflect that residents already use the PROW running across the Site and see it as the most accessible part of countryside from the village.⁴⁴ In reality, it will mainly be used by new residents and should not be afforded more than limited weight.
42. Without repeating the points made above, at its highest the train station car park is 'needed' because there isn't designated parking at present. Reference to its need from the County Council for example cannot be assumed to be based on anything more in the absence of further explanation or evidence. The inquiry has not been presented with *any* evidence to support an assertion that it will unlock suppressed demand. In any event, even Mr Saunders recognises that it should be given reduced weight because it will not be operational until 75% dwelling occupation.
43. Similarly, off-site highways improvements are only a limited benefit to the wider public and largely proposed to mitigate the impacts of the Development, or attempt to make routes relied on for residents better than at present (albeit still deficient). Mr Saunders strangely appeared to give weight to s106 contributions. If those contributions are CIL complaint (which the Council says they are), they are necessary to make the Development acceptable in planning terms and should not in themselves be considered a freestanding benefit.

⁴⁴ Christopher Chadwick's (IP) comments on day one

44. The weight to BNG as a benefit should be altered to reflect that the Biodiversity Gain Hierarchy has not been followed. Whilst it remains a benefit because there is a gain it cannot be given anything more than low weight if it erroneously directs gain off-site or creates it through translocation, where it could otherwise have been retained on Site.
45. Finally, the economic benefits relied on include what Mr Saunders refers to as an additional 424 estimated residents of working age where at least 353 would be economically active. That is also a strange approach. The scheme would not create new residents, it would displace that spending from elsewhere. That rightly cannot be seen as a benefit arising from the Development – it is not an employment development creating jobs.
46. What is particularly problematic about Mr Saunders' approach is that he unequivocally stated in EIC that even on the Council's case in relation to landscape and visual impacts, sustainability *and* ecology (*i.e.* the Inspector agreeing with Mr Taylor, Mr Carter *and* Mr Richardson) the appeal should be allowed. When tested on that position in XX, he accepted that in fact he could not say that with confidence because he had not actually properly assessed policy compliance or conflict on the basis of each of the Council's witnesses' evidence. That must be correct because in fact Mr Saunders does not even address sustainability in his planning balance. His overzealous approach to support the scheme also appears in his planning balance, at its highest moderate harm is given to landscape and visual impact (limited and very limited weight to spatial policy conflict and ecological harm) but otherwise substantial and significant weight (notably nothing lower than moderate weight) is given to a whole range of benefits. Accordingly, if any part of the Council's case is preferred, the only credible planning evidence is that of Ms Hughes, which considers that the harms would be freestanding reasons to refuse the scheme, whether the tilted balance is applied as part of compliance/ conflict with the development plan or thereafter under NPPF §11(d)(ii). That must be correct – any one of the Council's RfRs are significant enough to significantly and demonstrably outweigh the benefits associated with the scheme. Taken together, there should be no other conclusion than to dismiss this appeal.

Conclusion

47. Accordingly, for the reasons set out above, the Council respectfully invites the Inspector to dismiss this appeal.

SHEMUEL SHEIKH

Kings Chambers

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7th May 2026